

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8233 of 2014

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1. Mojib Mansuri S/o Lahan Mansoori R/o Village - Fatehpur, P.S. - Fatehpur, District - Bhagalpur.

.... Petitioner/s

Versus

1. Chief General Mangar Syndicate Bank, Patna.
2. Branch Manager, Syndicate Bank Patel Babu Road, Bhagalpur.
3. Authorised Officer, Syndicate Bank, Patel Babu Road, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Respondent/s : Mr. Sujeet Kumar

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 21-10-2016 Heard Mr. Prabhat Kumar for the petitioner and Mr. Sujeet Kumar for the respondent Bank.

The petitioner claims to be the purchaser of the property which was put on auction by the respondent Bank. It is stated that a sum of Rs. 32,75,000/- (on 29.1.2014) and Rs. 98,25,000/- (on 12.2.2014) /- was deposited by the petitioner besides advance amount as the petitioner was adjudged the highest bidder. The Bank refunded the amount in the sum of Rs. 1,32,31,000/- on 14.3.2014. It was so done as the learned Debt Recovery Tribunal, Patna under order dated 12.03.2014 passed in S.A. No. 10 of 2014 had quashed the possession notice in respect of the mortgaged property. The stand of the Bank is that such refund was made pursuant to the order passed by the Tribunal. The petitioner has

prayed for a direction upon respondent Bank to pay damage, Compensation as also interest over retention of huge amount for 2-3 months.

This relief can well be sought by the petitioner by instituting a suit against the Bank wherein all facts and circumstances shall be placed/proved and a decision can be rendered on appreciation thereof. The Court in exercise of its extraordinary and discretionary writ jurisdiction would not go into those aspects.

Granting the petitioner the liberty to pursue his remedy before the appropriate forum/Court in accordance with law, the writ application is disposed of.

(Kishore Kumar Mandal, J)

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