

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2333 of 2014

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Rajeshwar Singh Son of Sri Fakira Singh, Resident of Village - Khabra Turki (O.P.),
P.S. Kudhani, District – Muzaffarpur.

.... Petitioner/s

Versus

1. State Bank of India through its Chief General Manager, Gandhi Maidan, Patna.
2. Assistant General Manager, State Bank of India, Administrative Office, Mithanpura, Muzaffarpur.
3. Authorized Officer, State Bank of India, S.A.R.B. Office, Mithanpura, Muzaffarpur.
4. Branch Manager, State Bank of India, Mithanpura Branch, Muzaffarpur.
5. District Magistrate, Muzaffarpur.
6. Sub-Divisional Magistrate (East), Muzaffarpur.
7. Senior Superintendent of Police, Muzaffarpur.
8. Officer-in-Charge, Mithanpura Police Station, District – Muzaffarpur.
9. Shakuntala Rani, Wife of Late Ram Dayal Mahto Resident of Village - Paharpur Tal, P.S. Desari, District - Vaishali at Present Mohalla - Kanhauli, Ajarkuve (Shakti Nagar), P.O. Ramna, P.S. Mithanpura, District – Muzaffarpur.
10. Ashok Kumar Son of Late Ram Dayal Mahto Resident of Village - Paharpur Tal, P.S. Desari, District - Vaishali at Present Mohalla - Kanhauli, Ajarkuve (Shakti Nagar), P.O. Ramna, P.S. Mithanpura, District – Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Naresh Chandra Verma with
Mr. Natraj Verma, Advocates

For the S.B.I : Mr. S. D. Sanjay, Sr. Advocate with
Ms. Priya Gupta, Advocate

For the State : Mr. Niraj Kumar, A.C. to G.A. 10

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 02-12-2016



Heard learned counsel for the parties. Even today, there is no representation on behalf of respondents no. 9 and 10, despite valid service of notice.

Pursuant to order dated 17.11.2016, learned counsel for the State, referring to the counter affidavit filed on behalf of the District Magistrate, Muzaffarpur and Sub-Divisional Magistrate (East), Muzaffarpur submits that the possession of the house in question, after getting it vacated from the possession of respondents no. 9 and 10, has been handed over to the local officers of the State Bank India.

Mr. S. D. Sanjay, learned Senior Counsel appearing for the State Bank of India submitted that the keys are with him and Mr. R. R. K. Singh, Chief Manager, S.A.R.B., State Bank of India, Muzaffarpur, who is also present, took a stand that the vacant possession of the house in question shall be handed over to the petitioner on 5th December, 2016 when the Chief Manager of the Bank shall also be present at the spot. Let the same be done.

The Senior Superintendent of Police, Muzaffarpur shall ensure that such handing over of possession by the State Bank of India to the petitioner on 5th December, 2016 at 11:00 A.M. is carried out in a peaceful manner without any let or hindrance. Thereafter, the Senior Superintendent of Police, Muzaffarpur and the Officer-in-



Charge of Mithanpura P.S. shall be liable if the petitioner is forcibly or illegally, without the due process of law, either evicted or any trespasser enters the house in question or the respondents no. 9 and 10 again forcibly enter the house in question, as it would amount not only to violation of the order of this Court but shall also be indicative of their lack of capability and an adverse comment on their performance with regard to discharge of their duties and obligation under law. The respondents no. 9 and 10 are also restrained from interfering in the peaceful possession of the house in question by the petitioner, except by taking recourse to the due process of law.

The writ petition stands disposed off in the aforementioned terms with liberty to the petitioner to bring to the notice of the Court, if there is any forcible eviction of the petitioner, without due process of law, from the house in question.

Learned counsel for the State shall communicate the order to the officers concerned for strict compliance.

(Ahsanuddin Amanullah, J)

Anjani/-

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