

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1562 of 2016
IN
Civil Writ Jurisdiction Case No. 8845 of 2016**

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1. Shailendra Kumar Son of Shiv Prasad Roy, Resident of H. No. 554, Road No. 29, East Nehru Nagar, P.S.- Patliputra, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar, through Secretary, Department of Finance, Government of Bihar, Patna.
2. The State Bank of India, Raja Bazar, Shiekhpora, Patna through its Branch Manager.
3. The Branch Manager, the State Bank of India, Raja Bazar, Sheikhpora, Patna.
4. The Authorised Officer, State Bank of India, Retail Assets Central Processing Centre (RACPC), 1st Floor, Patna Main Branch, Building, Patna-1.
5. The Asst. General Manager, State Bank of India, RACPC, 1st Floor, Patna Main Branch, Building, Near Gandhi Maidan Patna-1.

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Lalan Kumar, Advocate
For the Respondent/s	:	Mr. Dr. Anil Kr. Upadhyaya- SC-2 Mr. Naresh Prasad, AC to SC-2
For the Bank		Mr. K.K. Sinha, Advocate Mr. Sunil Kr. Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 11-05-2017

In the matter of payment of damages to the petitioner on account of wrong committed by the authorities of State Bank of India in dealing with the vehicle of the petitioner which was seized on account of non-payment of loan, the learned Writ Court has not committed any error in relegating the petitioner to take recourse to civil or common remedy as may be available to him in law for



espousing his claim.

As disputed questions of facts warranting enquiry are involved, the appellant may take recourse to civil remedy invoking the common law jurisdiction with regard to the issue in question and in directing to do so, we are of the considered view, the learned Writ Court has not committed any error warranting re-consideration.

The appeal is, therefore, disposed of with the liberty granted to the appellant.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
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