

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16769 of 2016

=====

1. Prema Devi Saraf W/o Kashi Prasad Saraf resident of North Lane,
Gaighat, P.S. Alamganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Home ,
Govt. of Bihar, Patna.
2. The Sr. Superintendent of Police, Patna.
3. The Officer Incharge, Kotwali Police Station, Patna.
4. The Chief Manager, Central Bank of India, Budh Marg Branch, Patna.
5. Sanjay Kumar Agrawal S/o Sri Ram Kumar Agrawal resident of
Tribhuvan Bhagwati Complex, Flat No. E/2 Nawal Kishore Road,
Kadamkuan, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Adv.
Mr. Mohit Agarwal, Adv.
Mr. Atal Bihari Pandey, Adv.
Mr. Aishwariya Riti, Adv.
For the State : Mr. Apurva Kumar, ACto GA-4
For Bank : Mr. Ajay Kumar Sinha, Adv.
For the Respondent no. 5 : Mr. Saket Tiwary, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 10-05-2017 In the present case, the landlord has approached this

Court for unsealing his premises, which has been used for keeping

the goods of Sanjay Kumar Agarwal, who is the loanee of the

Central Bank of India, not paid of the loan amount led to lodging

of a Criminal Case as Kotwali P.S. Case No. 19 of 2016.

Following facts are admitted, Sanjay Kumar Agarwal

had taken the premises of the petitioner on tenancy on payment of

certain amount, which has been mentioned in the application. It is

also a fact that Sanjay Kumar Agrawal had taken loan and he



failed to pay the loan amount, whereafter, the Bank has taken coercive steps and at the instance of the Bank Kotwali P.S. Case No. 19/2016 has been instituted. Thereafter, the goods were seized and the premises of the petitioner has been used as go-down for keeping seized property of Sanjay Kumar Agarwal, kept goods in sealed room.

The grievance, raised by the petitioner, is that she is neither a borrower nor a guarantor, nor she has committed any default in any manner, but her premises has been occupied as store for keeping the goods. Either she should be paid the rent or the premises should be vacated, which could be utilized by the petitioner for her own use.

This Court has asked the Bank as well as the State to take instruction and clear their stands.

The Bank has taken stand that the seizure has been made by the police in discharge of regal function. The Bank cannot be asked to provide the space for keeping the goods, whereas, the police has taken stand that the action has been taken at the request of the Bank and seizure of goods has been made at the instance of the Bank. Unless they provide space, it is very difficult for the police to keep the seized goods in safe place. It has further been stated that the police is ready to shift the goods in



police station and goods be kept under the open sky. It is a dispute between the borrower, Bank and the police and present petitioner has nothing to do. The space of the petitioner has unnecessarily been occupied by the police for keeping goods.

The Dy. S.P. has submitted that if the Court directs to shift the goods, he is ready to shift but it would be kept in the open sky, as they do not have any sufficient space to keep the goods in a close room.

In the above circumstances, the police is directed to unseal the premises of the petitioner, prepare the inventory of goods in four copies; one copy for Bank, second copy for Borrower, 3rd copy for Police and last copy for the petitioner and keep the goods in safe custody. The police would complete shifting job within the period of three weeks. The letter dated 07.05.2017 is kept on record for further reference.

(Shivaji Pandey, J.)

Rakhi

U			
---	--	--	--

