

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2554 of 2017

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1. Ram Babu Choudhary, S/o Late Biyog Lal Choudhary, R/o Village- Shahpur, P.S.- Tisiauta, District- Vaishali.
2. Dharmendra Kumar Choudhary, S/o Late Biyog Lal Choudhary, R/o Village- Shahpur, P.S.- Tisiauta, District- Vaishali.
3. Rameshwar Prasad Choudhary, S/o Late Biyog Lal Choudhary, R/o Village- Shahpur, P.S.- Tisiauta, District- Vaishali.
4. Lalita Devi, wife of Late Biyog Lal Choudhary, R/o Village- Shahpur, P.S.- Tisiauta, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Home Department, Old Secretariat, Govt. of Bihar, Patna.
2. The District Magistrate cum Collector, Vaishali at Hajipur.
3. The Sub Divisional Officer, Mahua, Vaishali.
4. The Circle Officer, Jandaha, Vaishali.
5. The Superintendent of Police, Vaishali at Hajipur.
6. The Punjab National Bank SME Branch, Boring Canal Road, Patna through it's Chief Manager.
7. The Chief Manager/Branch Manager, Punjab National Bank, SME Branch, East Boring Canal Road, Patna.
8. The Authorized Officer, Punjab National Bank, SME Branch, East Boring Canal Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal
For the Respondent/s : Mr. S.S. Prasad- SC8
For the PNB : Mr. Kumar Priya Ranjan
Mr. Niraj Kumar
Mr. Sheo Shankar Prasad

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 13-09-2018 Heard learned counsel for the petitioners, learned counsel for the State of Bihar and the learned counsel for the Punjab National Bank.

The petitioners have filed this writ petition for a direction to the respondents-authorities to demarcate the land measuring 7 decimals which is beyond mortgaged property.



The learned counsel for the petitioners submits that the petitioners have already filed a representation before the Punjab National Bank including the District Magistrate-cum-Collector, Vaishali at Hajipur because the brother of the petitioners did not mortgage the plots measuring 7 decimals purchased by the petitioners on 10.01.1990. Learned counsel for the petitioners prayed that let the representation(Annexure-4) of the petitioners filed before the authority be disposed of by the Chief Manager, Punjab National Bank, SME Branch, East Boring Canal Road, Patna so that the Chief Manager, Punjab National Bank ascertain the facts whether the land was mortgaged with the Bank or not and if the Bank comes to conclusion that the aforesaid land was not mortgaged, the petitioner may file petition of demarcation of his aforesaid land.

Learned counsel for the Bank has got no objection.

In this view of the fact, this writ petition is disposed of with a direction to the Chief Manager, Punjab National Bank, SME Branch, East Boring Canal Road, Patna to ascertain the facts whether the land mentioned by the petitioners measuring 7 decimals was mortgaged with the Bank or not. If the Bank finds that the same land was not mortgaged nor the same was put on auction for sale, the petitioners shall file a petition before the



Circle Officer along with the sale deed and the certificate of the Bank so that the Circle Officer on deposit of required fees, get the land measured.

With the aforesaid direction and observation, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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