

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.658 of 2017**

**In**

**Civil Writ Jurisdiction Case No. 3497 of 2016**

- =====
1. The State Bank of India through the Chairman - cum - Managing Director, State Bank of India, Corporate Centre, State Bank Bhawan, Madame Cama Road, Mumbai - 400021.
  2. The Chief Manager, State Bank of India, Katihar Branch, Mirchai Bari, Katihar.

.... .... Appellant/s

Versus

1. Navneet Kumar, Son of Sri Umeshwar Prasad choudhary, Resident of E-8, Vijay Nagar, Hanuman Nagar, Kankarbagh, Patna 20.
2. The Union of India through the Recovery Officer, Debt Recovery Tribunal A and B Wing, 5th Floor Karpuri Thakur Sadan, Dendriya Karmchari Parisar (GPOA), Near Rajiv Nagar Police Station, Ashiana Digha Road, Patna - 800025

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Kaushlendra Kumar Sinha, Adv.

For the Respondent No. 2 : Mr. Kanak Verma, C.G.C.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**and**

**HONOURABLE JUSTICE SMT. NILU AGRAWAL**

**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)**

6      30-04-2018      Heard counsel for the appellants and counsel for the respondents.

Looking at the nature of the facts and narration of events, the learned Single Judge has rightly allowed the writ application with a direction upon the Bank to refund the amount so



deposited by the writ petitioner for auction purchase of property which was never delivered to him despite all his efforts for many many years. Even the component of interest which has been directed must be paid to the private respondent as the Bank cannot enjoy the benefit of auction purchase amount and not facilitate delivery of property in favour of the auction purchaser.

Appeal has no merit. It is dismissed.

**(Ajay Kumar Tripathi, J)**

**(Nilu Agrawal, J)**

Devendra/Arjun

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