

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24561 of 2018

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Mohan Lal Kedia son of Ratan Lal Kedia, resident of Janki Prasad Lane, Mundichak, P.S. – Tilkamanjhi, district – Bhagalpur, A/P Vinayak Apartment, 3rd floor (3/C), Patal Babu Road, V-Mart, P.S. – Tilkamanjhi, District – Bhagalpur.

... .. Petitioner

Versus

1. The General Manager, Bank of Baroda, 5th Floor, Anand Vihar, West Boring Canal Road, Patna-800001.
2. The Chief Manager, Bank of Baroda, Main Branch, Bhagalpur-812001.
3. The Branch Manager, Bank of Baroda, Main Branch, Bhagalpur-812001.
4. The Authorized Officer, Bank of Baroda, Bhagalpur.
5. The District Magistrate, Bhagalpur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Advocate
For the Respondent/s : Mr.Sanjeev Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-01-2019 Heard learned counsel for the petitioner and learned counsel representing the Bank.

As prayed for, learned counsel for the petitioner is permitted to add the District Magistrate, Bhagalpur as respondent no. 5 in course of the day.

Admittedly, the petitioner is neither a borrower nor a guarantor of the loan availed by the M/s. Oswal Agro Food Industry. It is also an admitted position on record that when the premises of M/s Oswal Agro Food Industry was sealed by the order of District Magistrate, Bhagalpur, the vehicle owned by this petitioner was standing in the campus which has not been



allowed to be taken away by this petitioner despite his several representation made to the Bank authorities.

In the admitted facts of this case where it is apparent that the vehicle of the petitioner is lying in the premises of the Oswal Agro Food Industry, though the said vehicle is not a secured asset within the meaning of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, this Court directs the District Magistrate, Bhagalpur to open the seal of the premises to enable the petitioner to drive away his car. Thereafter the premises may again be sealed.

The Bank Authorities particularly the Bank of Baroda, Main Branch, Bhagalpur shall be obliged to provide his assistance to the District Magistrate, Bhagalpur with all records to verify and he would ensure that the matter relating to release of the vehicle of the petitioner is not unnecessarily delayed because of any laches on his part.

Let the whole exercise be completed within a period of 10 days from the date of receipt/production of a copy of this order. Although this Court is not happy with the manner in which the Bank has deprived the petitioner from his vehicle in all these periods, at this stage this Court is not willing to pass



any order as regards imposition of cost as prayed by the petitioner but that issue shall remain open.

This writ application is disposed off.

(Rajeev Ranjan Prasad, J)

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