

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10336 of 2019

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S. M. Ali Imam, Son of Late S.M. Zarif, Resident of Village - Bahera, P.S.
and P.O. Bahera, Distt- Darbhanga (Bihar), Ward Parishad, Ward No. 07

... .. Petitioner/s

Versus

1. Bank of India through the regional manager at circle office, Pankaj Market, Sariaaganj, Muzaffarpur.
2. The Regional Manager Pankaj market, Sariaaganj, Muzaffarpur
3. Sr. Branch manager At branch Benipur, Ashapur, Town Chok, Darbhanga,

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sarva Deo Singh
For the Respondent/s : Mr.Sanjay Singh Thakur

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 17-08-2019 Heard learned counsel for the petitioner and learned
counsel for the bank.

Mr. Subrata Mukherjee, the Sr. Manager, Bank of India, Bhitha Branch, District-Samastipur is present in person. In course of hearing what has transpired from the submissions is that while Mr. Mukherjee was posted as Branch Manager at Benipur, Ashapur Tower Chowk, Darbhanga he stopped the bank operation of the account of Imam Educational Society with effect from 26.04.2019. The petitioner moved this Court by filing this writ application on 29.04.2019 which was registered on 06.05.2019 and thereafter when he got the information with regard to filing of the writ application, he removed the ban on operation of the account with effect from 16.05.2019. The basis



for stopping the bank's operation is said to be a letter dated 12.10.2018 received from one advocate namely Md. Taiyab Hassan who had informed the Branch Manager that a title suit bearing no.221/14 is pending between the office bearers of the committee of the society and the branch of this bank where the society has maintained its account has been made a party. Mr. Mukherjee admits that from 12.10.2018 till 25.04.2019 he did not enquire about any order passed by the civil court in the said title suit, there was no information to him that any interim direction has been issued to the bank for withholding of the operation of the bank account and above all it is an admitted position that after receipt of the letter of the learned advocate on 12.10.2018 and before stoppage of the operation of the bank account he never informed the petitioner about any such letter or his intention to stop the bank's operation. In these circumstances, some of the cheques of the institution which were issued during this period of stoppage of the operation of the bank account got dishonoured.

Mr. Sanjay Singh Thakur, learned counsel as well as Mr. Mukherjee have admitted before this Court that there had been some sort of casual approach in the matter of stoppage of the bank's operation of the petitioner and has offered to pay cost



of litigation to the petitioner.

Learned counsel for the petitioner submits that he would be satisfied with the offer made by the branch manager and shall accept Rs.25,000/- as cost which the petitioner had to incur in fighting litigation unnecessarily.

Learned counsel for the bank as well as the branch manager submit that they have offered this amount realizing that the petitioner had to file this writ application for no fault on his part. The amount shall be paid by Mr. Mukherjee from his own pocket which he admits within seven days in the bank account of the petitioner.

This writ application stands disposed off.

(Rajeev Ranjan Prasad, J)

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