

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1904 of 2019

In
Civil Writ Jurisdiction Case No.12008 of 2018

=====

Ram Kumar Roy S/o Ajay Kumar Roy R/o Village - C.C. Mukherjee Road,
Raj Laxmi Apartment Adampur, P.S. - Jagdishpur, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Sri Deepak Kumar, Son of not known to the petitioner presently posted as the Chief Secretary, Govt. of Bihar, Patna
2. Sri Pranav Kumar Son of not known to the petitioner, presently posted as the Collector-cum-District Magistrate, Bhagalpur, Distt.- Bhagalpur
3. The Branch Manager, Canara Bank, Bhagalpur.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Arjun Prasad, Adv.
For the Opposite Party/s	:	Mr.Pushkar Narain Shahi (AAG 6)
For the Canara Bank	:	Mr. Mritunjay Kumar, Adv.

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

4 16-10-2019 While hearing the contempt application, since learned counsel for the petitioner informed this Court that the original title deed of the property in question is lying with the Canara Bank, Bhagalpur and for that reason the petitioner is unable to submit the original title deed to the District Magistrate, Bhagalpur, we directed the petitioner to implead the Branch Manager, Canara Bank, Bhagalpur as party respondent No.3. It, however, appears that in the array of parties, ‘The Branch Manager, Bank of Baroda’, Bhagalpur has been made



party respondent No.3. Let it be corrected and the description of Respondent No.3 be stated as 'The Branch Manager, Canara Bank, Bhagalpur'.

Today, the Canara Bank is represented through its lawyer who has informed that the original title deed of the property is lying with the Bank as a security interest has been created by the petitioner over the land in question for taking financial assistance from the bank.

In the given facts and circumstances, we are satisfied that no case for initiation of a proceeding of contempt is made out. We, however, at the same time think it just and proper to direct the District Magistrate, Bhagalpur to comply with the order dated 11.7.2018 passed in C.W.J.C. No.12008 of 2018 on the petitioner submitting the surety bonds in terms of the order and further undertaking that the petitioner shall not create any more encumbrance over the property in question and a further declaration that after repayment of the entire loan to the bank, he will have no objection if the bank hands over the original title deed of the property in question to the District Magistrate, Bhagalpur. We also direct the Branch Manager, Canara Bank, Bhagalpur to take note of the confiscation proceedings going on before the District Magistrate, Bhagalpur in respect of the



property in question and after repayment of the entire loan, the Branch Manager shall hand over the original title deed to the District Magistrate, Bhagalpur only and it shall not be released in favour of the petitioner without obtaining prior written permission of the District Magistrate concerned.

In such circumstances, on aforesaid conditions, the house in question shall be unsealed and possession handed over to the petitioner.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

U			
---	--	--	--

