IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14706 of 2013

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1. Pramod Kumar S/O Late Shyam Narayan Mehta, Resident Of Mohalla- Alla Wakshpur, P.S- Alamganj, District- Patna.
2. Vijay Kumar S/O Late Ramdeo Prasad, Resident of Village- Masjid at Dargah Road, Banwari Chowk, P.S- Sultanganj, Patna.

... ... Petitioners

Versus

1. The Central Bank of India through its Branch Manager, Chiraiyatand Branch, Patna.
2. Allahabad Bank through its Branch Manager, Patliputra Colony Branch, Patna.

... ... Respondents

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Appearance :

For the Petitioner/s	:	Mr.Siddharth Harsh, Advocate
For the Bank	:	Mr. Aditya Sharan, Advocate
		Mr. P.K. Sharan, Advocate
		Mr. H.K.Sharan, Advocate
For the Respondent No.2:		Mr.Manoj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

3 20-08-2019 Heard learned counsel for the petitioners and learned counsel representing the respondent Bank.

On going through the writ application, this Court finds that the petitioners claim to have purchased the land in question which were mortgaged by the erstwhile owner Nagina Rai by depositing the original title deed with the bank, when he stood as guarantor to the loan advanced to one M/s. Delicacies. The contention of the petitioners is that they had purchased the land from the purchaser of said Nagina Rai and later on came to know that fraudulently the equitable mortgage of the land in

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question was created in the name of Nagina Rai. The petitioners want this Court to go into the facts of the case and take a view that the mortgage created in favour of the Bank by the erstwhile owner of the property was fraudulent and hence the purchase made by the petitioners is legal and valid purchase and the Bank cannot interfere with their possession. This Court finds that the writ application is wholly misconceived inasmuch as the writ jurisdiction of this Court cannot be allowed to invoke for getting such declarations.

The writ application is dismissed.

The petitioners may avail their remedy, if any advised, in accordance with law.

(Rajeev Ranjan Prasad, J)

vats/ved

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