

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15151 of 2017

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Raj Kishore Mishra Son of Late Shiv Shankar Mishra, Resident of Village-Kushi, P.O.- Karma Bhagwan, P.S.- Muffasil, Aurangabad, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, State of Bihar, New Secretariat, Patna
2. The Banking Ombudsman, Reserve Bank of India, Gandhi Maidan, Patna.
3. The District Magistrate, Aurangabad.
4. The Branch Manager, Punjab National Bank, Aurangabad.
5. The General Manager, Punjab National Bank, Patna.
6. The Principal Secretary, Finance Department, State of Bihar, Old Secretariate, Patna.
7. The Commissioner, Magadh Division, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shailesh Kumar Singh, Advocate
For the State	:	Mr. Shailendra Kumar, AC to PAAG 2
For the PNB	:	Mr. Niraj Kumar, AC to Mr. Kumar Priya Ranjan, SC

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 28-05-2019

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has moved the Court for the following
reliefs:

*(i) For the direction to the respondent
authority to pay 25 lakhs rupees compensation amount
to the petitioner on the reason the career of petitioner
has been ruined by Bank Authority do to their negligent
attitude and mala-fide illegal Act.*

*(ii) For the direction to the respondents
authority i.e. to the Bank Authority to return the all*



certificates to the petitioner which has been given by the petitioner to the Bank Authority in order to sanction the loan.

(iii) For any other order/orders on the facts and circumstances stated here in after of this case for which petitioner may be entitled to get the reliefs in accordance with law.”

3. At the very outset, the Court finds that the writ petition is misconceived for the reason that compensation has been asked for the so called ‘negligent attitude and *mala fide* illegal act’ of the respondents. This, in the considered opinion of the Court, cannot be adjudicated in a writ proceeding. For going into the aspect of negligence and *mala fide*, materials have to be made available and proven in accordance with law, which can be done before the forum competent to do so. In the present case, the Court can only observe that such relief, at the first instance, can be granted either by the Civil Court of competent jurisdiction or the Consumer Forum where such issues can be gone into and evidence adduced to arrive at a categorical finding leading to an order being passed on the same.

4. Having regard to the aforesaid, the writ petition stands disposed off with liberty to the petitioner to move before the appropriate forum for the relief claimed in the present writ petition. The Court would further observe that if the petitioner moves before the appropriate forum in accordance with law, the



same shall be decided on its own merits, in accordance with law,
without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

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