IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6203 of 2019

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Jagmohan Saw S/o Babban Saw, Resident of Ram Nagar Road, Sadar, Hajaribagh, Permanent resident of Ali Nagar Mugal Sarai, P.S.- Chandauli, State- Uttar Pradesh.

... ... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate - cum- Collector, Kaimur at Bhabhua.
2. The Chairman, Madhya Bihar, Gramin Bank , Bihar at Patna.
3. Madhya Bihar Gramin Bank, Darwa, Mohaniya, P.S.- Mohaniya, Distt.- Kaimur.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sumeet Kumar Singh, Adv.
For the Respondent/s	:	Mr.Md. Rashul Haque (Sc10)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

6 10-12-2020 Heard Mr. Sumeet Kumar Singh, learned counsel for the petitioner and Mr. (Dr.) Anand Kumar, learned counsel for the Madhya Bihar Gramin Bank through Video Conferencing.

2. The petitioner in this writ petition seeks direction to the respondent Madhya Bihar Gramin Bank, Darwan, Mohaniya, Kaimur to release the vehicle bearing vehicle No.UP67T-1982 which was seized and further prays that the petitioner be compensated for seizure of vehicle even after issuance of NOC with regard to the vehicle on 25.04.2017/27.04.2017.

3. Learned counsel for the petitioner submits that the petitioner took loan from the bank but the loan became NPA.

The petitioner deposited the entire amount and on 25.04.2017 the bank issued NOC to the petitioner but thereafter the vehicle of the petitioner was seized on 31.01.2019. It is further submitted that from perusal of the statements of account, the loan became NPA on 04.07.2012 but the loanee deposited the entire amount. The NOC was issued and, therefore, the Bank has got no authority to seize the truck of the petitioner. The cement loaded on the truck had already been released but from perusal of the counter affidavit and the annexures particularly Annexure-F of supplementary counter affidavit, it appears that the statements of account were furnished. The bank disputed the genuineness of NOC and submitted that no payment was made to the bank nor the bank issued any NOC to the petitioner. The loan is still outstanding dues against the petitioner and the petitioner has played fraud. Therefore, the bank has rightly seized the truck.

4. Having considered the submissions of both sides, I find that the bank has already filed a case before the Debt Recovery Tribunal for recovery of amount but during pendency of the case, the petitioner claimed that he had deposited the entire amount after the loan being NPA and the bank issued NOC to the petitioner. The bank disputed the genuineness of the

NOC and also furnished the statements of account showing outstanding dues against the petitioner. The bank disputed the receipts showing deposit of Rs.1 lac on 08.02.2017 vide receipt no.157 and it transpires that no seal and signature of the bank authority is present on the receipt. Therefore, I find no merit in this writ petition. Accordingly, this writ petition is dismissed.

(Prabhat Kumar Jha, J)

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