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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7367 OF 2019

Bank of India

.. Petitioner

Vs.

The Tahsildar & Ors.

.. Respondents

Mr. O. A. Das a/w Mr. Prem Das for Petitioner.

Ms. Nisha Mehra, AGP for Respondent No.1.

Mr. Sanjay S. Patil for Respondent No.2.

CORAM: PRADEEP NANDRAJOG, CJ. &
SMT. BHARATI DANGRE, J.

FEBRUARY 11, 2020

P.C.

1. The Petitioner has been caught in the cross-fire between 3rd Respondent and the 2nd Respondent.

2. The 2nd Respondent has an Account No. 007210100003432 with the Petitioner. By an electronic

transfer mechanism, from the account of the 3rd Respondent, ₹ 3,07,01,552/- was transmitted to the account of the 2nd Respondent and the purported reason for the transfer was a belief by the officers of the 3rd Respondent that for a project of the 3rd Respondent, 3844 sq.mtrs. land comprised in Survey No. 41/1 in village Aranjad was taken possession of.

3. It appears that by the time the 3rd Respondent took the stand that the transmission of the money was wrong, the 2nd Respondent had made withdrawals, leaving in the account a credit of ₹ 2,95,80,654/-.

4. The 1st Respondent i.e. the Tahsildar, District – Thane has issued attachment notices on 09.04.2019 and 08.05.2019. The notices require the Petitioner to remit ₹ 3,07,01,552/-.

5. We note that the Petitioner has frozen the account in which ₹ 2,95,80,654/- is lying credited.

6. Keeping in view the aforesaid facts, the 3rd Respondent has to obtain a substantive order in a substantive proceeding against the 2nd Respondent and under executive directions can

remit the amount. A Fora has to be approached where it can be adjudicated whether the transfer was fraudulent, illegal or by way of a mistake vis-a-vis the claim of the 2nd Respondent that the land ad-measuring 3844 sq.mtrs. was utilized by the 3rd Respondent and the money was compensation for the same.

7. The Writ Petition is disposed of quashing the notices dated 09.04.2019 and 08.05.2019 issued by the 1st Respondent to the Petitioner.

Pravin
D.
Pandit

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by Pravin D.
Pandit
Date: 2020.02.12
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SMT. BHARATI DANGRE, J.

CHIEF JUSTICE