

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2618 of 2022

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Umesh Chandra Dwivedi son of Late Serba Deo Dwivedi, Resident of 502, Magestic Triveni Apartment, Vijaynagar, Bailey Road, Near Patel Chowk, Police Station-Phulwarisharif, District-Patna-800014.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The General Manager (NBG-Coordination) Customer Service Department, National Banking Group, State Bank Bhawan, 16th Floor, Madam Cama Road, Mumbai-40021.
3. The Divisional Manager, State Bank of India, Local Head Office, Judges Court Road, Patna.
4. The Branch Manager, State Bank of India, Sri Krishnanagar Branch, Kidwaipuri, Patna-800001.
5. The Senior Superintendent of Police, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Karn Adv.
For the State	:	Mr. Nadim Seraj GP-5
		Mr. Shailesh Kumar AC to GP-5
For S.B.I	:	Mr. Sanjeev Kumar Adv.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 30-11-2022

In the instant petition, petitioner has prayed for
the following relief(s):-

“That by way of this writ application the petitioner seeks indulgence of this Hon'ble Court for issuance of appropriate writ / order / direction(s) in the nature of mandamus commanding the respondents to return back the amount to the tune of Rs. 18,40,000/- (Rupees Eighteen Lac Forty



Thousand Only) with statutory interest / penal interest along with litigation cost to the petitioner which has been fraudulently withdrawn from the saving account of the petitioner, bearing a A/c No. 10223838525 using false cheque No. 308224 and 308225 in collusion with bank officials of State Bank of India, Sri Krishna Nagar Branch on 21.08.2019, whereas the original cheques were lying with the petitioner.

(ii) Further for issuance of appropriate writ / order / direction to the respondents to which the petitioner is found to be entitled too in the facts and circumstances of the case.”

2. The petitioner has a bank saving account (bearing No. 10223838525) in the State Bank of India, Sri Krishna Nagar Branch. Some persons presented bearing cheque No. 308224 and 308225 and withdrawn a sum of Rs. 18,40,000/- on 21.08.2019 and transacted through petitioner SB account. It is stated that the aforesaid bearing cheque Nos. were not issued by the respondent-bank to the petitioner. In other words, it is alleged that withdrawal cheque slip of the State Bank of India bearing the aforesaid cheque Nos. have been used by some persons.

3. *Prima facie* it is evident that such fraudulent transaction must have been taken in collusion with the Bank



officials, for the reasons that the aforesaid cheques have not officially allotted to the petitioner. When things stood thus the petitioner is running to bank and other officials including Ombudsman to redress his grievance. It is stated that he is a senior citizen person and his wife is suffering from cancer. For day to day living certain amount is badly required and due to fraudulent transaction of huge amount of 18,40,000/- has been stalled.

4. In this regard, he has approached Ombudsman due to pendency of investigation. Petitioner's complaint has not been entertained by the Ombudsman. The aforesaid material information leads to *prima facie* alleged deficiency of service on behalf of the respondent-bank. Therefore, writ is not maintainable.

5. Accordingly writ petition stands disposed of.

6. Reserving liberty to the petitioner to invoke remedy before the District Consumer forum or statutory forum depending upon the various criteria. In the event, of filing complaints/petition before the appropriate forum.

7. The appropriate forum is hereby requested to decide the petitioner's petition/application within a reasonable period of 6 months from the date of presentation of such



complaint/petition, for the reason that the petitioner is aged about 70 years and his wife is suffering from cancer ailment. Respondent-Bank officials are hereby directed to co-operate before the appropriate forum in order render justice to its valuable customer.

8. With the above observations, petition stands disposed of.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

shoaib/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.12.2022.
Transmission Date	

