

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17370 of 2019

=====

Amit Kumar Son of Rajendra Prasad Sah Resident of Mohalla- Mahboob
Khan Tola, Kali Mandir, Ashram Road, District- Purnea.

... .. Petitioner/s

Versus

1. The State Bank of India Through the Branch Manager, Main Branch, Purnea.
2. The Regional Manager State Bank of India, Regional Office, Purnea.
3. The Chief General Manager State Bank of India, Local Head Office, Gandhi Maidan, Patna.
4. The Chief Manager SARB (Stressed Assets Recovery Branch), IInd Floor, Main Branch, Patna.
5. The Authorised Officer SARB IInd Floor, Main Branch, Patna.
6. The Chairman and Managing Director State Bank of India, H.O.- Mumbai.
7. The District Transport Officer Kishanganj.
8. The Oriental Insurance Company Limited Through its Chairman H.O.- New Delhi.
9. The Branch Manager Oriental Insurance Company Limited, Kali Bari Road branch, Purnia.
10. The State of Bihar Through The Principal Secretary, Department of Transport, Govt. of Bihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Kumar Praveen, Advocate
For the Respondent/s : Mr. Anil Kumar Singh (GP 26)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT



(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-12-2022

Petitioner has prayed for the following relief(s):-

“A) For issuance of an appropriate writ/writs, order/s, direction/s commanding the respondent bank to release the petitioner's vehicles TATA 709/42 BSII (MARCOPOLLO) Bus bearing Registration No.

(i) BR37G/7227, Engine No.
497TC92GWY835169 Chassis No.
MAT454062D7G21420 and

(ii) BR37H/7227, Engine No.
497TC92GWY834400 Chassis No.
MAT454062D7D21481 so taken over in possession by the respondent State Bank of India through their recovery agent/musclemen in most illegal and arbitrary manner without any information and without giving inventory of the seizure of aforesaid vehicles violating the direction and guidelines of Hon'ble Apex court and Hon'ble High court and also violating the of the Reserve Bank Of India for not indulging in repossessing the vehicle on hire purchase agreement this action has been taken by the respondent bank due to default in payment of installments. The aforesaid buses of petitioner were virtually snatched by the musclemen of recovery agent at the instance of the respondent bank.

B) For direction to the respondent bank/



recovery agent to hand over the physical possession of the petitioner aforesaid buses in a fit condition as it existed at the time of possession by the recovery agents from bus stand, Purnia. The buses of the petitioner are at present in the possession of recovery agent of the respondent bank.

C) For direction to the respondent D.T.O., bank and insurance company and its officials to compensate the loss of business of petitioner @ Rs-10,000/- per bus per day as well as direction for payment of the litigation cost along with compensation for the Economical, Physical and Mental harassment/ agony to the petitioner due to arbitrary and unwarranted action of the recovery agent of the respondent bank.

D) For any other relief/reliefs to which the petitioner is found entitled under the facts and circumstances of the present case.”

Learned counsel for the respondents opposing the petition refers to and relies upon the decision rendered by Hon’ble the Supreme Court in ***Anup Sarmah Vs Bhola Nath Sharma & Ors, (2013) 1 SCC 400*** .

After matter was heard for sometime, learned counsel for the petitioner submits that the petitioner be permitted to take recourse to such other remedies as are otherwise permissible and admissible in accordance with law.

Prayer, as prayed for, is granted.



Without expressing any opinion on merits, leaving all questions of fact and law open, the present petition is disposed of with the liberty aforesaid.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Spd/-Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	12.12.2022
Transmission Date	

