

31.03.2022
Court No.13
Item No.66
AP

WPA 1397 of 2022

**Subhas Chandra Majumdar and Anr.
Vs.
Chief Manager cum Authorised Officer,
Punjab National Bank and Anr.**

(Through Video Conference)

Mr. Tanmay Basu
Mr. Md. Aasif Iqbal
Mr. Debdip Mandal

... For the Petitioners.

Mr. S. Pal Choudhury

... For the Respondent Bank.

The petitioners are aggrieved by the fact that the Punjab National Bank has frozen a salary account belonging to the petitioner No.1. Petitioner No.1 has not been able to withdraw from the said account or receive any funds in the said account.

Counsel for the bank submits that the petitioners and their family members have availed vehicle and housing loans.

The outstanding dues as on 7th January 2022 were in the region of Rs.25,62,466.68/-. In view of the general lien contained in the document executed by the petitioner in favour of the bank, the bank has chosen to freeze the salary account of the petitioner No.1.

This Court notices that the banker's lien under Section 171 of the Contract Act and the particular agreement between the petitioners and the Bank cannot be applied to specific other accounts of the

petitioner, where there is no mandate given to the bank specifically permitting such lien.

Mr. Pal Choudhury places sanctioned letter dated 13th March 2019, issued by the bank in favour of the petitioner.

This Court is of the view that unless the salary account is specifically assigned, or charge over the same is created in favour of the bank, the bank cannot, in exercise of the aforesaid clause or under power of general lien under Section 171 of the Contract Act, attach the salary account.

The bank always has a right to approach Debts Recovery Tribunal at Kolkata, in the pending OA No.490 of 2021 to obtain orders of attachment of such salary account.

In view of the fact that the salary of a person may be the sole source of income or sustenance, the bank shall immediately de-freeze the salary account of the petitioner no.1.

Let a copy of the OA No.490 of 2021 be handed over to the counsel for the petitioner.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)