

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15505 of 2013**

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Sunita Devi Wife Of Munna Ram Resident Of Village- Mrarpur, Ps- Laheri,  
District Nalanda

... .. Petitioner/s

Versus

1. Madhya Bihar Gramin Bank and Ors Plaza Apartment, Near Meena Bazar, Patna-1
2. The Managing Director, Madhya Bihar Gramin Bank, Plaza Apartment, Near Meena Bazar, Patna-1
3. The Regional Manager, Madhya Bihar Gramin Bank, Bihar Sharif
4. Branch Manager, Madhya Bihar Gramin Bank, Bihar Sharif Branch, Nalanda
5. Binod Sao Son Of Late Bundi Sao Resident Of Mo- Murarpur, Town P.S.- Laheri, District Nalanda

... .. Respondent/s

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**Appearance :**

|                           |   |                                    |
|---------------------------|---|------------------------------------|
| For the Petitioner/s      | : | Mr. Pramod Kumar Sinha, Advocate   |
| For the Respondent (Bank) | : | Mr. Ranjeet Kumar Pandey, Advocate |
|                           |   | Mr. Devi Dast Srivastava, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

3      27-02-2023                      Heard Mr. Pramod Kumar Sinha, learned Counsel appearing on behalf of the petitioner and Mr. Ranjeet Kumar Pandey, learned Counsel appearing on behalf of the Respondent-Bank.

2. Learned counsel appearing on behalf of the State seeks to file supplementary counter affidavit which is accepted and directed to be kept on record.

3. Petitioner is aggrieved by the action of the Bank, insofar as that the house of the petitioner situated in



Ward No. 30 on Holding No. 364(new) has been made part of the notice dated 04.05.2012 contained in Annexure-3 to the writ petition.

4. On perusal of the said notice, it appears that the notice is referred to one Binod Sao son of late Bundi Sao of Mohalla Murarpur PO- Biharshrif P.S.- Laheri, District Nalanda and not with respect to present petitioner. However, in the said notice Ward No. 30, Plot No. 334(new) has been mentioned measuring area 5/08 decimal. The boundary has also been mentioned in the said notice and relevant part of the said notice is reproduced hereunder:

**“Sale Deed No. 7689 Dated 18/10/1996**

***Khata/Khesara No. is not mention due to unsurvey area. Belagan Residential. Ward No. 04/06 Biharsharif, Holding No. 618(Old)/634(New), Area 05/08 Dicimil, Length-North-South 26’ Width- East-west 10’. CHAUHADI- North Prabath Kumar South- Shibu Ram East- Bundi Sao West- Vijay Sao.***

***You are hereby called upon to deliver possession of the secure assets above detailed before 5<sup>th</sup> of June 2012, failing to which I, the undersigned, as ‘Authorised Officer’ of Madhya Bihar Gramin Bank (Secured Creditor) will take possession of the above said secured asset on or after 5<sup>th</sup> of June 2012 at any time between 10.00 hours to 17.00 hours.”***

5. The petitioner is aggrieved by the said notice to



the extent that the notice contains the holding no. of the petitioner which the petitioner has been enjoying after execution of sale deed dated 23.09.2004 purchased from the the wife of Baso Ram namely, Sunita Devi and to that extent the new holding has been created in the name of the petitioner by the Municipal Authorities. Learned counsel further submitted that on the basis of the said notice, the house of the petitioner was illegally measured in presence of the local police by the bank authority and submits that such action is illegal.

6. Learned Counsel appearing on behalf of the Respondent-Bank referring to paragraphs 7, 8, 9 and 10 to the counter affidavit stated that as per the award of the Lok Adalat and in view of the statement made in the counter affidavit, the bank has no concern with the borrower namely, Binod Sao or with the present petitioner.

7. Considering the above submission and statement which has been recorded in the counter affidavit, there is no question of petitioner being aggrieved by any notice which has been issued in name of Binod Sao.

8. In case, the petitioner is threatened by any of



the State Authority or the Bank, he is at liberty to produce  
the sale deed dated 23.09.2004.

9. Accordingly, the present writ petition is  
disposed of.

**(Purnendu Singh, J)**

Niraj  
Nilmani/-

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