IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.236 of 2022

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Md. Chand @ Mohammad Chand Ansari, Son of Late Pir Mohammad @ Late Phir Mohammad @ Late Peer Mohammad, Resident of Village-Purani Karimganz, Gadikhana Lane, Police Station-Civil Line (Gaya Town), District-Gaya.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Government of Bihar, Patna.
2. The Zonal Manager, State Bank of India, Loan Section, West Gandhi Maidan, Behind B.N. College, Patna.
3. The Chief Manager, State Bank of India, Gaya Bazar Branch, Gaya.
4. The District Magistrate cum Collector, Gaya.
5. The Authorised Officer, Regional Sales Office, State Bank of India, Gaya Branch, Kachahari Road, Gaya.
6. The Branch Manager, State Bank of India, Gaya Branch, Kachahari Road, Gaya.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Singh, Advocate.
For the S.B.I	:	Ms. Namrata Mishra, Advocate.
For the State	:	Mr. Naman Nayak, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

3 10-01-2023 Heard Mr. Manoj Kumar Singh, learned counsel appearing on behalf of the petitioner, Ms. Namrata Mishra, learned counsel appearing on behalf of the S.B.I and Mr. Naman Nayak, learned AC to AAG-13.

At the outset learned counsel appearing on behalf of the petitioner submitted that he may be permitted to delete certain paragraphs which are unwarranted and typed due to inadvertence.

In view of statement made in paragraph nos. 7 and 8 the bank has admitted that the co-borrower, late Sultana Khatoon had repaid the total dues of bank with interest to the tune of Rs. 15 lakhs on various dates and the loan account has been closed. The title deed of the property, security deposit and other papers were already returned to the borrower Late Sultana, Khatoon who was alive and had received the same.

Learned counsel further submitted that in view of the admitted position that the loan amount has already been paid back but there is no valid papers to that effect that her mother Late Sultana Khatoon has received the original title deed of the property/security and other papers. Even though the loan amount has been repaid, but the petitioner’s mother was not handed over the key of the house.

Ms. Namrata Mishra, learned counsel appearing on behalf of the respondent-bank, submitted that petitioner admits that his mother died, however, there is no pleading to that effect as to the year in which the mother of the petitioner had died and after the death of the mother of the petitioner, he has not produced the succession certificate entitling him for possession of the key. She further submitted that all the heirs of the original borrower Late Sultana Khatoon must be brought on record and or in alternative the petitioner may obtains no objection from the legal heirs of late Sultana Khatoon, wife of Late Peer Mohammad and file such declaration in accordance with law to obtain the key of the mortgaged property.

Having heard the rival submissions of the parties, this Court directs the respondent-bank in case the petitioner approaches along with aforesaid two documents or be is able to show that he is the sole legal representative then concerned respondent of the Bank must forthwith handover the Key and other documents as carried by the petitioner, if any, not beyond a period of two weeks from the date the above mentioned documents are produced by the petitioner.

Accordingly the present writ petition is consigned.

(Purnendu Singh, J)

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