

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22781 of 2019

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Divya Pratap Singh Dev S/o Ashok Kumar Singh Dev, Resident of Mohalla-530 A/1, Jai Mahavir Colony, Sandalpur Devi Sthan, P.S.-Sultanganj, District-Patna.

... .. Petitioner/s

Versus

1. The Chief Manager, Central Bank of India Pawapuri Vihar Building, NH-28, Bhagwanpur, Muzaffarpur.
2. The Branch Manager, Central Bank of India Rajendra Nagar Branch, P.S.-Kankarbagh, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Respondent/s : Mr. Ajay Kumar Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-01-2023

Petitioner has prayed for the following relief(s):

“(i) The petitioner being the borrower of the respondent Central Bank of India, Rajendra Nagar Branch, Patna is regular in respect of payment of EMI under the loan account, even though, the terms of loan is being violated by the respondent bank imposing heavy cost and charges in lieu of correspondence made by the bank like the characters of the 'merchant of venice' and such act of the respondent bank may be restrained forthwith.

(ii) The petitioner further prays for direction to the respondent bank, Central Bank of India, Rajendra Nagar Branch, Patna to act in accordance with the agreed terms and conditions of



the sanctioned and disbursement of the loan amount and not to lockup the premises of the petitioner which has been pledged as equitable mortgage of land and building bearing deed no. 13060, dated 17.11.2006 in the name of Smt. Soni Kumari situated at Khata No. 293, Khesra No. 442, Thana No. 11, Tauzi No. 303, Ward 15/21/36, Circle No. 54, Seat No. 125, Plot No. 3210, Mauza Sandalpur, P.S. Sultanganj, Area 5 decimal, District - Patna at the hands of the mussels man snatcher and pooling agency of the respondent bank.

(iii) The respondent Central Bank of India, Rajendra Nagar Branch, Patna may be restrained from the nafferious activities taking law of the lands in their hands and imposing in admissible charges not permissible in the eye of law.

(iv) The petitioner further prays before this Hon'ble court for any appropriate writ or writs, rule or direction as this Hon'ble Court may found fit and proper to the facts and circumstances of the case as well as for which the petitioner may be found entitled thereto.”

Leaving the issue of maintainability open, as jointly prayed by the learned counsel for the parties, petition is disposed of, reserving liberty to the petitioner to approach respondent No. 2, namely The Branch Manager, Central Bank of India, Rejendra Nagar Branch, P.S.- Kankarbagh, District-Patna, submitting his proposal for settlement of account.



Liberty, as prayed for, is granted.

As and when any request is made, the same shall be decided expeditiously, in accordance with law, preferably within a period of four weeks.

Petition is disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Saurabh/K.C.Jha

AFR/NAFR	
CAV DATE	
Uploading Date	04.01.2023
Transmission Date	

