

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1389 of 2018

In
Civil Writ Jurisdiction Case No.10191 of 2018

=====

Kailash Prasad Ram, Son of Late Bhajan Ram @ Shib Bhajan Ram, Resident
of Ward No.1, Village- Basmatiya, P.S.-Ghurana, District-Araria.

... .. Appellant

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Land Reform, Government of Bihar,
Patna.
3. The District Magistrate, Araria,
4. The Additional Land Acquisition Officer, Araria.
5. The State Bank of India through Branch Manager, Birpur Branch of State
Bank of India, Araria,

... .. Respondents

=====

Appearance :

For the Appellant/s	:	Mr. M.N. Parbat, Sr. Advocate Mr. Praveen Prabhakar, Advocate
For the SBI	:	Mr. Apurv Harsh, Advocate Mr. Hritik Anand, Advocate Mr. Abhimanyu, Advocate
For the Respondent/s	:	Mr. Satya Prakash Tripathy, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 16-05-2024

The appellant has assailed the order of the
learned Single Judge dated 31.07.2018 passed in C.W.J.C.
No. 10191 of 2018.

2. The overall dispute is that appellant was a
Headmaster and he had retired from service. He had



pension account. His land was stated to have been acquired for the project of National Highway on Indo-Nepal Border Area. It is alleged that, inadvertently, compensation amount of Rs. 33,11,352/- was determined and the payment was made to the appellant. He had remitted the aforementioned amount in his pensionable account. Thereafter, the respondents have realized that determination of compensation was error to the extent that classification of land like it was agricultural or non-agricultural land. The concerned authority stated to have calculated compensation with reference to non-agricultural land. On the other hand, it should have been for agricultural land. In this backdrop, the State-Respondents instead of invoking appropriate remedy under the statute/law, they have directed the Bank to freeze the appellant's pension account.

3. In this regard, we have repeatedly asking the State-Respondents to apprise this Court with source of power to the extent that if any amount is due from citizen, in that event, they have power to direct the concerned Bank to freeze the account of a citizen. Similarly, 5th Respondent Bank have not apprised that if any directions of the State to



freeze Bank account of its customer, they are bound by such directive in exceptional cases like criminal. The present case is not arising out of any criminal proceedings. Such policy decisions are not placed on record by any of the official Respondents. To this extent, learned Single Judge has not appreciated in respect of competency of the concerned Respondent insofar as directing or ordering the concerned Bank to freeze the account of appellant. Hence, the learned Single Judge has committed error in rejecting the C.W.J.C. No. 10191 of 2018 and connected Interlocutory Application and Orders/Judgment are set aside. C.W.J.C. No. 10191 of 2018 stands allowed. Directions of the State-Respondent to the concerned Bank to freeze the account of the appellant stands nullified.

4. The concerned 5th Respondent-Bank, Manager is hereby directed to de-freeze the account of the appellant and permit him to operate the pension account in accordance with law. Reserving liberty to the Respondents to proceed against the appellant to recover the alleged excess payment made towards compensation on account of acquisition of land in the project of National Highway on



Indo-Nepal Border Area, in accordance with law.

5. With the above observations and directions,
the present L.P.A. No. 1389 of 2018 stands allowed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

Manish/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A
Uploading Date	17.05.2024
Transmission Date	N.A

