

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19440 of 2015

1. Madan Mohan Prasad @ Vishwanath Prasad Son of Late Shyam Narayan Singh (Son of Late Binda Devi) Resident of Village- Rasulpur, Police Station- Fatuha, District- Patna.
2. Dilip Prasad, Son of Late Shyam Narayan Singh (Son of Late Binda Devi) Resident of Village- Rasulpur, Police Station- Fatuha, District- Patna.
3. Shiv Nath Prasad, Son of Late Shyam Narayan Singh (Son of Late Binda Devi) Resident of Village- Rasulpur, Police Station- Fatuha, District- Patna.
4. Ashok Kumar, Son of Late Shyam Narayan Singh (Sons of Late Binda Devi) Resident of Village- Rasulpur, Police Station- Fatuha, District- Patna.

... .. Petitioner/s

Versus

1. Union of India through Finance Secretary, Government of India, Central Secretariat, South Block, New Delhi.
2. The Chairman, State Bank of India, having Stressed Assets Management Group (SAMG) Corporate Centre, The Arcade, 2nd Floor World Trade Centre, Mumbai.
3. The Authorized Officer, State Bank of India Stressed Assets Management Branch as SAMB, at 8th Floor, Circle Officer Bhawan, Judges Court Road, Patna.
4. The Branch Manager, S.B.I. A.D.B. Branch Basaha Pipra, Supaul, Bihar.
5. M/s. Ramayan Cold Storage Pvt. Ltd., Basaha, P.S.- Pipra, District- Supaul, having its Registered office at Shri Ram Complex, Shyam Bazar, At and P.O.- Basaha, P.S.- Pipra, District- Supaul, through its Managing Director- Sri Rajiv Ranjan.
6. Sri Rajiv Ranjan, S/o- Ram Prasad Yadav (Managing Director of M/s. Ramayan Cold Storage Pvt. Ltd.), Permanent resident of Shri Ram Complex, Shyam Nagar, At and P.O.- Pipra, District- Supaul, Present Address, Sri Ram Construction, Room no.- 409 and 412, Jagat Trade Centre, 4th Floor, Near Dak Bunglow Chowk, Fraser Road, Patna.
7. Smt. Ramayani Devi, W/o- Ramesh Prasad Yadav (Director- M/s. Ramayan Cold Storage Pvt. Ltd.), Permanent resident of Shri Ram Complex, Shyam Nagar, At and P.O.- Basaha, P.S.- Pipra, District- Supaul.
8. Smt. Archana Kumari, W/o- Rajiv Ranjan (Director- M/s. Ramayan Cold Storage Pvt. Ltd.), Permanent resident of Shri Ram Complex, Shyam Nagar, At and P.O.- Basaha, P.S.- Pipra, District- Supaul, Presently residing at Rajendra Nagar Road no.- 6, Hari Priya Apartment, 2nd Floor, Rajendra Nagar, Patna.
9. Sri Nishant Kumar, S/o- Sri Suresh Prasad Yadav (Director- M/s. Ramayan Cold Storage Pvt. Ltd.), resident of At and P.O.- Basaha, P.S.- Pipra, District- Supaul.
10. Ramesh Prasad Yadav, Son of Late Bam Bhola Mandal resident of At and P.O.- Basaha, P.S.- Pipra, District- Supaul.



11. Suresh Prasad Yadav, Son of Late Bam Bholā Mandal resident of At and P.O.- Basaha, P.S.- Pipra, District- Supaul.
12. Santosh Kumar Yadav, S/o- Sri Deen Bandhu Yadav resident of At and P.O.- Basaha, P.S.- Pipra, District- Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shivendra Kumar Sinha
For the Respondent/s : Mr.S.D Sanjay Addl. Soc. Gen.

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 18-04-2025

1. The present Writ petition is filed for the following reliefs:-

(i.) To issue mandamus to the respondent/Bank to hand over the Deed No. 4719 dated 22.05.1959 land situated in Mauza-Rasulpur, Pargana-Azimabad, Thana-Fatuha, Tauzi No.-12, Thana No.-15, Khata No.-80, Khesra No.-619 Area 40.50 decimal, Khesra No.-612, Area-6.0 decimal, Khesra No.-600 Area-44.00 decimal, Khesra No. 640, Area-42 decimal and Khesra No. 650, Area-36.00 decimal, total Area-1 Acre 68.50 decimal of land documents which are in custody of the Stressed Branch State Bank of India, Judges Court Road, Patna which is procured by the Bank as Guarantee against the loan sanctioned to the M/s Ramayan Cold Storage Pvt. Ltd., Supaul fraudulently.



(ii.) To issue direction to the competent authority to hold impartial inquiry, how the loan had been sanctioned treated a dead woman as guarantor and subsequently, mortgaged her land deed as Bank Guarantee and further fixed the liability against the erring official due to which Bank money swindled away by the M/s Ramayan Cold Storage, Pvt. Ltd

(iii.) To issue any appropriate/writ(s)/order(s)/direction(s) to the concerned respondents.

2. The brief facts culled from the writ petition are that one Binda Devi died on 20.08.2002 at Village Rasulpur, P.S. Fatuha, District Patna, at the age of 75 years, leaving behind her four sons, namely Vishwanath Prasad @ Madan Mohan Prasad, Shiv Nath Prasad, Dilip Kumar, and Ashok Kumar, who are the legal heirs and joint owners of the land situated at Mauza-Rasulpur, P.S. Fatuha, District Patna, Vasika No. 4719 dated 22.05.1959, measuring a total area of 1 Acre 68.50 Decimals.

3. It is the specific contention of the Learned counsel for the petitioners that the sale deed of Binda Devi was lost, but she did not lodge any



complaint in this regard. It is further submitted that Late Binda Devi had never mortgaged the said land nor acted as a guarantor in favour of the borrower, M/s Ramayan Cold Storage Pvt. Ltd., Basaha, with the State Bank of India, ADB Branch, Supaul, on 17.12.2005. It is also submitted that Late Binda Devi was an illiterate woman who could only affix her thumb impression and was incapable of signing documents, which is evident from the deed of "Rehan" executed by her on 02.06.1981 during her lifetime. The petitioners, being her sons, have filed the writ petition seeking appropriate reliefs.

4. Upon perusal of the writ petition, it is evident that the entire claim of the petitioners is civil in nature. The date on which the sale deed belonging to Late Binda Devi was lost, has not been mentioned in the petition, nor it has been stated, when the petitioners came to know about the alleged forgery. However, it is contended that the signatures of Binda Devi on certain documents were forged. Furthermore, as per the contents of the writ petition, the properties were put up for auction by the Bank



through a publication in the daily newspaper *Hindustan* dated 12.02.2012. Upon learning of the auction, the petitioners submitted a written representation to the third respondent/authorized officer of the Bank requesting an inquiry against the erring officials. Due to lack of information, the petitioners filed an application under the Right to Information Act and when no information was furnished, an appeal was filed on 28.09.2012 before the Appellate Authority, General Manager, SBI. Subsequently, the petitioners approached the local police station for registration of an FIR against the Bank officials, but all such efforts failed. Eventually, they filed Complaint Case No. 844 of 2012 before the Learned Additional Chief Judicial Magistrate, Patna City, who directed registration of an FIR under Section 156(3) Cr.P.C. Consequently, Fatuha P.S. Case No. 241 of 2012 was registered. During the investigation, local newspapers reported the auction publication, but as the investigation remained pending, the petitioners filed Cr.W.J.C No. 1144 of 2013 before the High Court, seeking to transfer the



investigation to CBI. However, Cr.W.J.C No. 1144 of 2013 was dismissed as withdrawn. On perusal of the entire writ petition, it is evident that this is a civil dispute between the petitioners and the fifth respondent/Bank.

5. This Court is not inclined to interfere with the civil dispute, involving factual matters which are to be adjudicated by the appropriate forum and cannot be entertained under Article 226 of the Constitution of India.

6. With the aforesaid observations, the writ petition stands dismissed.

7. The petitioners are at liberty to approach the appropriate forum for seeking their remedy.

(G. Anupama Chakravarthy, J)

vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.05.2025
Transmission Date	

