

06.05.2025
Supplementary
Item No.1
Ct. No.1
PG/KS

M.A.T. 1997 of 2024
Bank of India & Anr.
Vs.
Khurshid Ahmed Perwez & Anr.

Ms. Parna Roy Chowdhury
Ms. Payel Ghosh

.....For the Appellants

Mr. Amit Ranjan Roy
Mr. Pradyat Kumar Roy

.....For the Respondent

1. The matter was mentioned at the first sitting of this Court by the respondent, who appeared in person stating that this matter may be listed before this Court under the caption "To Be Mentioned" on an urgent basis in the light of the blatant violation of the order and direction issued in the appeal vide judgment dated 21st April, 2025 and that certain ancillary directions may be required to be issued.
2. The matter having been assigned was shown in the day's Supplementary List under the caption "To Be Mentioned". We directed the respondent, who appeared in person, to inform the learned advocate, who appeared for the appellants/bank when the matter was heard and judgment was delivered on 21st April, 2025.
3. In the said judgment, there was a direction to release the vehicle of the respondent/writ petitioner, which was seized in the year 2016 and the following direction was issued:-

"8. The appellant/bank is directed to release the vehicle subject to the respondent/writ petitioner paying a sum of Rs.25,000/-, which shall be towards the full and final settlement of the parking charges and other incidental charges payable to the appellant/bank and no further amount shall be demanded from the respondent/writ petitioner by the appellant/bank. The vehicle shall be released within three days from the date on which the respondent/writ petitioner makes the payment."

4. In terms of the above order, the bank was required to release the vehicle, subject to the writ petitioner paying a sum

of Rs.25,000/-, which shall be towards full and final settlement of the parking charges and other incidental charges payable to the bank and no further amount shall be demanded from the respondent/writ petitioner by the appellants/bank. Unfortunately, the Chief Manager of Jamuria Branch of the appellants/bank issued a letter addressed to the respondent/writ petitioner dated 28th April, 2025 directing the respondent/writ petitioner to serve the copy of the order passed by this Court to the parking providers and seek custody of the vehicle upon payment of the parking fees to them. We were inclined to *suo motu* exercise our jurisdiction under the Contempt of Courts Act and secure the personal presence of the Chief Manager before this Court today itself for which police assistance may also would have been requisitioned. However, in the light of the submissions made by Ms. Parna Roy Chowdhury, learned advocate for the appellants/bank, we desisted from doing so.

5. The letter addressed by the bank to the writ petitioner dated 28th April, 2025 is the clear attempt of the bank to make direction in the judgment dated 21st April, 2025 unworkable. There is no privity between the writ petitioner and the parking provider/garage. The vehicle was hypothecated to the appellants/bank. On account of default, the bank re-possessed the vehicle and to suit their convenience parked the vehicle in the year 2016 in a parking yard of some third party. That apart, the order and direction was issued in an appeal filed by the bank and not by any third party/ parking provider. Therefore, one last chance is given to the appellants/bank as well as the Chief Manager to unconditionally obey the direction issued and ensure that the vehicle is released.

6. One more aspect, which also reveals the unreasonable attempt of the bank is refusing to permit the writ petitioner to

deposit the sum of Rs.25,000/- in terms of the direction issued by this Court and he was compelled to remit such amount in his savings bank account. The stand taken by the appellants/bank is wholly unbecoming of a Nationalized bank. We do not wish to express anything more as it may affect the career prospect of the Chief Manager. Therefore, the Chief Manager shall ensure that the direction contained in paragraph 8 of the judgment dated 21st April, 2025 is complied with and the vehicle is released to the respondent/writ petitioner by 2 p.m. on 8th May, 2025.

7. The learned advocate appearing for the appellants/bank has submitted a copy of a report given by the Branch Manager, who visited the parking yard and there appears to have been certain resistance. Apart from that, the learned advocate appearing for the appellants has also placed before this Court the copy of the letter addressed by her to the parking provider, M/s. Neha Garage.

8. The Officer-in-Charge, Jamuria Police Station is directed to deploy adequate police force to enable the appellants/bank to comply with the above direction.

9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)