

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15012 of 2015

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Kalawati Devi, W/o Late Harihar Nath Suman, R/o Village Lakridahi, Chandwara,
P.S. - Muzaffarpur Town, District Muzaffarpur.

.... Petitioner

Versus

1. UCO Bank, Head Office - Kolkata through the Chairman.
2. The Zonal Manager, UCO Bank, Zonal Office, 4th Floor Maurya Lok Complex,
P.S. Kotwali, Patna-800001.
3. The Branch Manager, UCO Bank, Muzaffarpur Branch, Jawaharlal Road, Town
& District- Muzaffarpur.
4. The Recovery Officer, DRT, Patna at 34, Bank Road, Opposite New Police Line
Lodhipur, Patna- 800001.

.... Respondents

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Appearance :

For the Petitioner : Mrs. Namrata Mishra, Advocate

For the Respondents : Mr. Ranjeet Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-11-2015

The present writ petition has been filed for quashing of order dated 24.07.2015 passed by the learned Recovery Officer, Debts Recovery Tribunal, Patna in R.P. Case No. 96/2012 arising out of O.A. No. 269 of 2011 whereby and whereunder the learned Recovery Officer has passed order for proclamation of sale of the mortgaged/attached property standing in the name of the petitioner, and for a direction to the Recovery Officer to decide the objection filed by the certificate debtors against low valuation of the mortgaged/attached property fixed by the Bank.

2. At the very outset, learned counsel for the petitioner submits that two valuation reports, both dated 27.05.2015, are



palpably unreliable considering that the both valuation reports have been prepared on the same date in respect of different areas and for different valuations. It is submitted that objection was raised with regard to the valuation, but for the first time the petitioner has come to know about the details of the basis of valuation as the valuation reports have now been made available with the supplementary counter affidavit filed today in this Court. It is submitted that the valuation reports cannot be sustained as the boundaries of the land in so far as the petitioner's share have not been demarcated with reference to the entire plot of land, part of which has been purchased by one Suryadeo Prasad.

3. It is submitted on behalf of the respondents that the valuation of the mortgaged property has been properly conducted and the valuer has submitted valuation reports which disclose that the boundaries have been demarcated.

4. Be that as it may, this writ petition is disposed of with a direction to the Certificate Officer to consider and dispose of the petitioner's objection dated 02.07.2015 (Annexure-12) and any other objections already filed or as may be filed within two weeks hereof with regard to the valuation including demarcation of the boundaries of the land in question, in accordance with law and after grant of reasonable opportunity to the petitioner of being heard before

proceeding in the matter. This judgment shall not stand in the way of the Certificate Officer in accepting payments if sought to be made by the petitioner.

5. It is made clear that this Court has not entered into the merits of the claims of the petitioner.

(Vikash Jain, J)

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