

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17046 of 2012

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Nandlal Sah, S/O Late Bachan Sah, R/O Village- Turkaullia, District- East Champaran

.... Petitioner

Versus

1. The State of Bihar through D.M., East Champaran
2. The Branch Manager, Uttar Bihar Kshetriya Gramin Bank, Shanker Saraiya, District- East Champaran
3. The Branch Manager, Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, District- Muzaffarpur, Bihar

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Vishwajeet Kumar Mishra, Advocate
For Respondent-bank	:	Mr. Prabhakar Jha, Advocate
For the State	:	Mr. Ram Shankar Prasad, AC to GP 14

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-08-2016

Heard learned counsel for the petitioner, learned counsel for the State as also learned counsel for the respondent-bank.

2. The present writ petition has been filed for quashing the notice dated 18.07.2012 issued under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, "SARFAESI Act") by Uttar Bihar Gramin Bank, Shanker Saraiya, East Champaran.

3. I. A. No. 3252 of 2015 has been filed for a direction to respondent nos. 2 and 3 to issue no dues certificate to the petitioner who has paid Rs. 6,32,000/- on 04.03.2015 to the bank; and for connected relief.

4. Having regard to the nature of the prayer, the interlocutory application is allowed and the petitioner is permitted to make amendment in the prayer portion which shall form part of the writ

petition accordingly.

5. Learned counsel for the petitioner submits that consequent upon making payment of Rs. 6,32,000/- against the outstanding loan, the petitioner is entitled to be issued no dues certificate in this regard, which is yet to be issued by respondent-bank.

6. Learned counsel for the respondent-State as well as learned counsel for the respondent-bank appear and have been heard. No counter affidavit has been filed on behalf of the respondent-bank to controvert the statements made in the interlocutory application.

7. Having regard to the nature of grievance of the petitioner, the writ petition is disposed of with a direction to the Branch Manager, Uttar Bihar Gramin Bank, Shanker Saraiya, District- East Champaran (respondent no. 2) to verify as to whether the entire loan stands repaid as claimed by the petitioner. In case the entire dues in the loan account of the petitioner stands repaid, the respondent no. 2 shall issue no dues certificate to the petitioner without further delay and in any event, within a period of two weeks from the date of receipt/production of a copy of this order.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N/A
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