

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15519 of 2016

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1. M/s Maheshwari Rice Mill, a proprietorship concern through its Proprietor Shri Kanchan Kumar, son of Krishna Nandan Singh, Resident of village and Post Office Mehus, P.S. Mehus, District Sheikhpura.
 2. Shri Kanchan Kumar, son of Krishna Nandan Singh, Resident of village and Post Office Mehus, P.S. Mehus, District Sheikhpura.

.... Petitioner

Versus

1. The United India Insurance Corporation Ltd., Biharsharif, Ranjan Complex, Patna Ranchi Road, Biharsharif, Nalanda 803101.
2. Canara Bank, Katari Branch, District Sheikhpura, Pin Code 811105 through Sri Yashwant Kumar, the Branch Manager.
3. The Recovery Officer, Debts Recovery Tribunal, Patna, Fifth Floor, C.P.W. Complex, Ashiana Digha Road, Near Rajiv Nagar, Patna.
4. The District Consumer Protection Forum, District Sheikhpura.

.... Respondents

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Appearance:

For the Petitioner : Mr. Y.V.Giri, Senior Adcoate
Mr. Md. Irshad, Advocate
For the Respondent No.1 : Mr. Ashok Priyadarshi, Advocate
For the Resp. Canara Bank : Mr. Rajan Ghoshrave, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-09-2016

The present writ petition has been filed for the following reliefs-

- “(a) To issue a writ of mandamus commanding the respondent no. 1, the United India Insurance Company Limited to pay the insured amount of Rs. 20.00 lacs to the petitioner or the respondent no. 2 (Canara Bank).
- (b) To issue a writ of mandamus/direction to the respondents not to take any steps for recovery of the amount from the petitioner in pursuance of the judgment and order dated 29.09.2015 passed in O.A. No. 137 of 2015 by the Debts Recovery Tribunal (DRT) Patna whereby the amount of Rs. 20,74,032.07 has been decreed/awarded in

favour of the respondent no. 2.

(c) To restrain the respondent no. 3, the Recovery Officer, from implementing the demand notice dated 18.12.2015 in case of R.P. No. 153 of 2015.

(d) To issue a writ in the nature of certiorari for quashing the order/award dated 29.09.2015 passed in O.A. No. 137 of 2015 by the Debts Recovery Tribunal (DRT), Patna and the notice of demand dated 18.12.2015 in R.P. Case No. 153 of 2015 issued by the Debts Recovery Officer, Patna.

(e) To issue a mandamus commanding the District Consumer Protection Forum, Sheikhpura to dispose of Case No. 8 of 2014 immediately in accordance with law.

(f) For any other relief or reliefs for which the petitioner is entitled.

2. At the very outset, Mr. Y.V. Giri, learned senior counsel appearing for the petitioner, fairly states that the petitioner has already approached the District Consumer Protection Forum, Sheikhpura in Case No. 8 of 2014 for appropriate relief. However, the matter remains pending despite it having been taken up on innumerable occasions as is evident from the order sheet of the proceedings (Annexure-4). He, therefore, submits that the detailed merits of the matter need not be pressed in the present writ petition and confines the relief sought to the disposal of the pending matter by the District Consumer Protection Forum, Sheikhpura.

3. Learned counsel for the respondents appears and has been heard.

4. Having regard to the nature of grievance raised and the

limited prayer to which the writ petition has now been confined by the petitioner, the writ petition is hereby disposed of with the observation that the District Consumer Protection Forum, Sheikhpura, shall take up the hearing of Case No. 8 of 2014 in earnest and dispose of the same expeditiously in accordance with law and preferably within a period of three months from the date of receipt/production of a copy of this judgment.

5. Needless to say, the petitioner shall be at liberty to approach the Recovery Officer, DRT, Patna for any interim order that it may seek, which may be decided on its own merits.

(Vikash Jain, J)

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