

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 3896 of 2016

=====

Manoj Kumar, Son of Sh. Dhrup Sah @ Dhuv Sah, Resident of Village - Jagdishpur Post & Police Station - Jagdishpur, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, West Champaran.
2. The Circle Officer, Nawtan, District - West Champaran.
3. The Zonal Manager, Central Bank of India, Bihar, Patna.
4. The Authorized Officer, Central Bank of India, Bettiah, District - West Champaran.
5. The Branch Manager, Central Bank of India, Lal Bazar, Bettiah, District - West Champaran.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 03-03-2016

Heard learned counsel for the parties.

The petitioner has moved the Court for quashing the E-auction notice published in the daily newspaper 'Hindustan' on 08.02.2016 regarding his land bearing Plot No. 34, Khesra No. 133/134, revenue P.S.-258 having an Area of 0-5013 Dhur under Mauza Jagdishpur of West Champaran District by the respondent Central Bank of India (hereinafter referred to as the 'Bank').

Learned counsel for the petitioner submits that due to various problems faced in his family including his wife being inflicted with cancer, though he has been paying some amounts still, suddenly putting the property on auction is arbitrary. However, he submits that he will pay the remaining

outstanding dues within three months and the Court may give him interim protection.

Learned counsel for the Bank submits that the petitioner had earlier moved the Court in C.W.J.C. No. 5797 of 2014 which was disposed off by order dated 01.02.2016 with liberty to move in statutory appeal in terms of Section 17 of the SARFAESI Act which he has not done. It is thus submitted that the action of the Bank being in pursuance to the steps taken which was under challenge by the petitioner in the earlier writ, the present action cannot be deemed as arbitrary and is perfectly in accordance with law.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the writ petition stands disposed off in the following terms:

The petitioner shall deposit 20% of the balance outstanding latest by 28th March, 2016 and the rest 80% shall be deposited latest by 15th June, 2016. If the same is done, the entire sale process shall be set aside. For the present, the Bank may proceed with E-auction, however, the same shall not be finalized.

After the 20% deposit by the petitioner, the Bank shall provide him with the exact figure of the remaining outstanding dues, latest by 15th April, 2016.

The Court would like to indicate here that the order having been passed on the voluntary undertaking given by petitioner, any violation of the same, besides having other penal

consequences shall entitle the Bank to proceed for recovery of the amount in accordance with law and also confirm the sale.

(Ahsanuddin Amanullah, J.)

P. Kumar

U			
---	--	--	--

