

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.699 of 2016

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1. Md. Mansur Alam Son of Late Manzur Alam,
 2. Bilquees Begum Wife of Md. Mansur Alam, Both residents of Mohalla - Samanpura, P.O. - B.V. College, P.S. - Shastrinagar, Town & District - Patna.

.... Appellant/s

Versus

1. The State Bank of India, a Body Corporate, constituted under State Bank of India, Act, 1955, having its corporate centre at Madam Cama Road, Nariman Point, Mumbai, 400021 and its Local Head Office at Gandhi Maidan, Patna-80001 and amongst one of its branches known as State Bank of India, Commercial Branch, Patliputra, Patna through its Chief Manager.
2. The Assistant General Manager, State Bank of India, Premises & Estate, Local Head Office, Patna.
3. The Chief Manager, State Bank of India, Commercial Branch, Patliputra, Patna.
4. The Presiding Officer, Debt Recovery Tribunal, Patna.
5. The Recovery Officer, Debt Recovery Tribunal, Patna. Both at Central Government Officer Complex, Digha Ashiyana Road, Rajiv Nagar, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Abhay Kr. Singh, Sr. Advocate Mr. Praveen Prabhakar, Advocate Mr. Ved Prakash Srivastav, Advocate
For the Respondent/s	:	Mr. S.D. Sanjay, Sr. Advocate Mr. Alok Kr. Agrawal, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 28-07-2017

Seeking exception to an order dated 16.3.2016 passed by the learned Writ Court in C.W.J.C. No.2449 of 2016, this appeal has been filed under Clause 10 of the Letters Patent.

In the writ petition, based on a sale notice published in the Daily Newspaper 'Hindustan' dated 3.1.2016, the writ petition



was filed. However, the writ petition has been dismissed on account of inordinate delay in challenging the action which consequently led to the notice being issued and, if we analyze the said reason, as is detailed by the learned Writ Court in the order, we find that the property in question was mortgaged with State Bank of India as the security for a loan advanced to the petitioner and when action was taken for recovery of the amount, the matter travelled to the departmental authorities who rejected the claim and, finally, the matter was agitated before the Debts Recovery Tribunal, Patna which dismissed the application of the petitioners on 21.12.2009 and thereafter again certain miscellaneous proceedings were initiated and, finally, the matter was agitated before the Debts Recovery Appellate Tribunal also which dismissed the appeal on 3.2.2006 and thereafter for a period of 10 years nothing was done and it was only after ten years when the impugned action was taken for sale of the property for recovery of the dues that the writ petition was filed and the learned Writ Court in the detailed order has found that there is inordinate delay and laches on the part of the petitioner and finding even criminal cases instituted against the petitioner, has rejected the writ petition.

In doing so, we are of the considered view, the learned Writ Court has not committed any error warranting re-consideration.



The delay caused by the petitioner disentitles him from claiming discretionary jurisdiction of this Court under Article 226 of the Constitution and if, after considering this aspect of the matter, the learned Writ Court has dismissed the writ petition, we see no reason to make any indulgence into the matter.

The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	2.8.2017
Transmission Date	N/A

