

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12810 of 2012

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Sweta Gupta, wife of Ashok Kumar, R/O Mohalla-Rang Bahadur Road
Piparpati, P.S.-Kotwali, District-Gaya

.... Petitioner/s

Versus

1. The Central Bank of India, through its Regional Manager, Regional Office, Central Bank of India, Gaya.
2. The Regional Manager, Central Bank of India, Regional Office, Gaya.
3. The Branch Manager, Central Bank of India, Station Road Branch, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Vijay Kumar Verma, Advocate
For the Respondents : Mr. Om Prakash, Advocate
: Mr. Dhananjay Kumar Pandey, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 21-03-2017 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the respondent-Central

Bank of India.

On 30.07.2012, a prayer had been made on behalf of
the Bank to seek instructions and file a counter affidavit in the
case. However, till date no counter affidavit has been filed.

The case of the petitioner, in brief, is that she was an
auction purchaser, who had responded to a notice published for
sale of tender-cum-auction in the daily newspaper on
11.06.2011 in respect of the property in the name of Deoki
Kunwar, wife of Late Choba Ram, Rang Bahadur Road,
Murarpur, P.S.- Kotwali, District- Gaya, Ward No. 3/8 (Old)
10 (New), Khata no. 88/54, Plot no.7784, 7787 part (Old) 117
(New), H.No. 37 (Old) 43 (New), Area 1950 sq.ft., bounded as



north H.No.24 Niz, South Niz, East Niz West Gali, on the terms and conditions given in the aforesaid sale notice.

After participating in the said auction, the petitioner was declared to be the highest bidder in respect of the property in question. Thereafter, the authorized officer of the Bank, in exercise of his powers conferred under Rule 13 read with Rule 12 of the Security Interest (Enforcement) Rule, 2013, sold the property in favour of the petitioner on behalf of the respondent-Bank. It is stated that the property was alleged as secured in favour of the Central Bank of India by Deoki Kunwar, wife of Late Choba Ram towards credit facility in the name of one Sandilya Traders. The petitioner then deposited the sale price being Rs.19,20,000/- to the Bank and the petitioner was assured that the vacant possession of the land will be handed over to her. Accordingly, on payment of consideration money, a sale certificate was issued in her favour on 17.10.2011 by the authorized officer.

The main contention/grievance of the petitioner is that despite the petitioner having been given possession on paper, the property in question was not handed over to her in actual/ physical possession.

Having failed in her efforts to take physical possession of the land and building, the petitioner has



approached this Court seeking an appropriate relief.

There is no counter affidavit filed by the respondent-Bank till date nor none of the above stands have been controverted.

Accordingly, this Court directs that the petitioner will approach the authority concerned of the respondent-Bank within a period of two weeks from today, along with a copy of the representation and a copy of the present petition as well as a copy of this order and upon receipt of the said representation, the concerned Branch Manager and/or other functionary, who is incharge, shall take immediate steps for handing over the physical possession of the property in question in favour of the petitioner.

It is made clear that the petitioner will not be further harassed in the matter and the said handing over of the building to the petitioner shall be made in presence of the District Magistrate, who shall ensure that there is no further complication.

With the aforementioned observations and directions, the present writ application stands disposed of.

(Anjana Mishra, J)

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