

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18837 of 2017

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M/s Dahlan Sales, through its Proprietor- Shakuntala Devi, Wife of Bharat Dhahlan, R/o Mohalla- Daulat Ram Chowk, Bara Bazar, PO+PS+District- Katiahr.

.... Petitioner

Versus

1. The Allahabad Bank having its Registered Office at 2 Netaji Subhas Road, Kokata, West Bengal- 700001 through its Chairman-cum-Managing Director.
2. The A.G.M. Allahabad Bank, Zonal Office, Chandralok Complex, Ghanta Ghar, Bhagalpur, Bihar- 812001.
3. The Chief Manager-cum-Authorized Officer, Allahabad Bank, Mahatma Gandhi Road, Katihar Main Branch, District- Katihar.

.... Respondents

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Appearance :

For the Petitioner : Mr. Samir Kumar, Advocate.

For the Respondents : Mr. Shiv Mohan Saha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-03-2018

The present writ petition has been filed for the following

reliefs –

“(i) For issuance of a writ in the nature of mandamus directing the respondents to upgrade the term loan account of the petitioner in terms of the guidelines of the Reserve Bank of India upon payment of the arrears of principal and interest by the petitioner.

(ii) For consequential reliefs in the shape of issuance of a writ/direction in the nature of certiorari for quashing notice of demand vide letter dated 09.11.2017 issued by the respondent-Authorized Officer, Allahabad Bank, against the mortgaged assets of the petitioner without jurisdiction.

(iii) For consequential reliefs in the shape of issuance of



a writ in the nature of certiorari for quashing of the entire proceeding for recovery of the arrears of loan initiated by the respondent Authorized Officer, Allahabad, Bank under the provision of the Act on grounds of being violative of Rule 2 A read with Rule 8(5) of the Security Interest (Enforcement) Rules 2002, (hereinafter referred to as 'the Rules') and the principal in law involved in the maxim 'Nemo Debet Esse Judex In Propria Sua Causa';

(iv) For any other reliefs to which the petitioner is found entitled to in the facts and circumstances of this case."

2. At the very outset, learned counsel for the petitioner submits that it will suffice if the petitioner's representation dated 24.05.2017 (Annexure-12) filed before the A.G.M., Allahabad Bank, Zonal Office, Chandralok Complex, Ghanta Ghar, Bhagalpur (Respondent No. 2) is directed to be disposed of, in which event, the present writ petition need not be pressed on merits.

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

4. Having regard to the nature of the grievances and the stand of the petitioner, the present writ petition is disposed of with a direction to the A.G.M., Allahabad Bank, Zonal Office, Chandralok Complex, Ghanta Ghar, Bhagalpur (Respondent No. 2) to consider and dispose of the petitioner's representation dated 24.05.2017 (Annexure-12), if the same is pending before him, after grant of



opportunity of hearing to the petitioner in accordance with law expeditiously and preferably within a period of eight weeks from the date of receipt/production of a copy of this judgment.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	14.03.2018
Transmission Date	N.A.

