

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7016 of 2015

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1. Md. Kalam son of Md. Issa
2. Md. Issa @ Md. Issa Ansari, son of Late Haji Abdul Gaffar, Both Resident of Mohalla Bagmali, Lalganj Road, Near Nishad Gas Office, Ward No.- 5, Hajipur, P.O. & P.S.- Hajipur, Dist.- Vaishali

.... Petitioner

Versus

1. The State of Bihar through D.M. Vaishali
2. The District Certificate Officer, Vaishali at Hajipur
3. The Syndicate Bank through its Chief Manager, Regional Office, Maurya Lok Complex, Patna
4. The Branch Manager, Syndicate Bank, Hajipur Branch, Rajpati Kanwar Shopping Centre, Dak Bunglow Road, Hajipur

.... Respondent

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Appearance :

For the Petitioners : Mr. Anil Kumar, Advocate.
For the State : Mr. Madhav Prasad Yadav, GP-23
Mr. Sanjay Kumar, Ac to GP-23

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 25-08-2018

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

“(i) For issuance of a writ of certiorari quashing the sale notice dated 07.02.2015 issued by the Chief Manager, Syndicate Bank in pendency of the certificate case, whereby and whereunder the respondent Bank has decided to sell/bid the property mortgaged under loan Account No. 75861250000241 to realize the dues.

(ii) For issuance of a writ of certiorari quashing the certificate case bearing no. 5/14-15 instituted by the Bank for realization of Rs. 6,02,908.46 inasmuch as the petitioner is ready to pay Rs. 3,60,824.46 as existing on the date when the loan account was declared Non Productive Account



(NPA).
(iii) For any other relief(s) for which the petitioner is found to be the facts and circumstances of the case.”

2. Learned counsel for the petitioners makes a statement at the Bar on instructions that an amount of Rs. 71,129/- in respect of the entire outstanding dues has been paid in the month of March, 2018 and no further amount remains due. However the respondent Bank is not issuing the No Dues Certificate to the petitioners.

3. Having regard to the stand of the petitioners, the writ petition stands disposed of granting liberty to the petitioners to approach the respondent-Bank with an appropriate representation for issuance of No Dues Certificate. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of in accordance with law after grant of opportunity of hearing to the petitioners expeditiously and in any event within a period of two weeks thereafter.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	28.08.2018
Transmission Date	N.A.

