IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8251 of 2013

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Indu Devi W/O Poolan Singh @ Fulan Singh R/O Village- Ahinaura, P.O.- Harnathpur, P.S.- Mohania, District- Kaimur (Bhabhua)

.... Petitioner

Versus

1. The State Bank of India through its Managing Director, Mumbai
2. The Senior Manager, State Bank of India, Kaimur at Bhabhua
3. The Branch Manager, State Bank of India, A.D.B. Branch, Kaimur at Bhabhua
4. The Loan Officer, State Bank of India, A.D.B. Branch, Kaimur at Bhabhua

.... Respondents

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Appearance :

For the Petitioner : Mr. Sumeet Kumar Singh
Mr. Abhiprav Singh, Advocates.

For the S.B.I. : Mrs. Namrata Mishra, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 25-07-2018

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been filed against the repossessing of the tractor bearing Registration No. BR45-8560 which was taken by the husband of the petitioner and his brother on agricultural loan (herein referred as “vehicle”) without any notice and same was sold without performing the auction sale procedure which is contrary to the guidelines of the Banking Regulation Act, 1949 and further the possession of the vehicle be restored to the petitioner by the respondent-Bank i.e. State Bank of India (herein referred as “SBI”).

3. Learned counsel for the petitioner submits that no notice for repossessing or auction of the tractor in question were issued to the petitioner who happens to be the widow of the borrower who had taken the loan for purchase of tractor and as such the action of the respondent-Bank is wholly arbitrary and illegal.

4. Learned counsel for the respondent-Bank however refers to the counter affidavit to oppose the writ petition. Reference is invited to the notice dated 19.04.2012 for repossession and sale of the tractor which was duly served on the son of the petitioner and the same has been duly served as apparent from the acknowledgement on the notice itself. It is further pointed out from paragraphs- 14 and 15 of the writ petition itself that the petitioner was fully aware in the year 2012 itself that the respondent-Bank had taken repossession of the tractor in default of repayment of the agricultural loan and that the same had been sold on 26.05.2012 for Rs. 1,91,000/-.

5. Having heard the parties and on consideration of the materials on record, this Court finds the writ petition to be devoid of merit. The stand of the respondent-Bank that the notice dated 19.04.2012 for repossession and sale of the tractor was duly served on the petitioner's son has not been controverted by the petitioner and no rejoinder has been filed to the counter affidavit. The contention of the petitioner that the action of the respondent-Bank is arbitrary for want

of notice must thus be rejected. This Court also finds that despite the petitioner's knowledge of repossession and sale of the tractor in the year 2012, the petitioner has not acted with due diligence and there is delay and laches on her part in approaching this Court for almost a year after the impugned action taken by the respondent-Bank.

6. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/-

AFR/NAFR	NAFR
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