

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6241 of 2018

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Arun Kumar Verma, S/o Mr. Chandradeep Prasad Verma, Resident of Village Bela Kanhauli, Ward No.47, Anchal Mushahari, Muzaffarpur, 842001 at present residing at Flat No. 102, Sudama Enclave, East Boring Canal Road, Chakaram Link Path, P.S. Budha Colony, Patna 800001.

.... Petitioner/s

Versus

1. Bank of India, a Body Corporate Constituted under the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 having its Central Office at Mumbai, Star House, Bandra Kurla Complex, C-5, G-Block, Bandra (East), Mumbai.
2. The Authorised Officer, Bank of India, Zonal Office, Patna Zone, 1st Floor, Chanakya Place, R- Block, Patna- 800001.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Manish Kishore, Advocate

For the Respondent/s : Mr. Sanjay Singh Thakur, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-06-2018

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

- (i) *For issuance of a writ in the nature of certiorari for quashing the letter dated 22.03.2018 issued by the respondent no. 2 intimating the petitioner that on 26.03.2018 at 11.30 a.m. physical possession of the mortgaged residential flat belonging to the petitioner would be taken with the help of police de hors the provision of the Security Interest (Enforcement) Rules, 2002 amounting to an illegal action taken on behalf of the respondents.*
- (ii) *For issuance of a writ in the nature of mandamus directing the respondents not to take possession of the*



mortgaged flat of the Guarantor, the petitioner who is willing and ready to retain possession of his flat as usual even by paying its reserve price which was fixed by the respondent bank for the purpose of auction sale.

(iii) *For issuance of such other writ(s), order(s) and/or direction(s) as your Lordship may deem fit and proper.*

2. Learned counsel for the petitioner Mr. Manish Kishore submits that during the pendency of the writ petition physical possession of the said property has been taken, against which action the petitioner has moved the Debts Recovery Tribunal. In that view of the matter, the present writ petition need not be pressed.

3. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.06.2018
Transmission Date	NA

