

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6103 of 2017

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1. Anju Devi wife of Raj Kumar
2. Raj Kumar son of Sri Kedar Nath Pandey Both are residents of Chanda Bhawan, Vishwanath Roy Ke Market, Vijay Vihar Colony, Cant Road, P.S. - Danapur, Patna.

.... Petitioner/s

Versus

1. Central Bank of India through its Regional Manager, Maurya Lok, Patna.
2. The Regional Manager, Central Bank of India, Maurya Lok, Patna.
3. Branch Manager, Central Bank of India, Rajbanshi Nagar, Patna.
4. The Authorized Officer, Central Bank of India, Regional Office, Mauryalok, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Hriday Prasad, Advocate

For the Respondent/s : Mr. Bimlendu Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 25-01-2018

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

(i) To issue a writ of certiorari for quashing the auction sale notice dated 04.03.2017 as published in daily newspaper (Annexure-P/1) issued by the authorized officer of Central Bank of India through which he has been pleased to invite tenders for e-auction sale of land situated at Mauza Goma, Touzi No. 3775, deed No. 2759 dated 10.04.2008, Khata No. 411, Plot No. 1804, Thana Bihta, District Patna, Area 4 $\frac{3}{4}$ decimal or 1.52 Khata of petitioners in illegal and



arbitrary manner fixing date of auction sale as 11.04.2017 contrary to provisions of SARFAESI Act, 2002 and rules framed thereunder and without proper valuation of the land in question and building standing over the same.

(ii) To issue a writ of mandamus commanding the respondents to discharge their legal obligation to follow the provisions of SARFAESI Act, 2002 and rules applicable there in its words and spirit and after allowing reasonable time to the petitioners to deposit the dues NPA amount in instalments and after proper accounting of dues amount and valuation of land and building in question only to proceed further for realization of dues amount.

(iii) To issue a further writ of mandamus commanding the respondents to give calculation chart of the loan amount of the petitioners, so that the petitioners may be able to pay the loan amount.

(iv) To issue a further writ of mandamus commanding the respondents in the facts and circumstances of the case to give benefits of OTS scheme if any to petitioners available in the bank.

(v) For any other relief/or reliefs if the petitioners are



found entitled in the facts and circumstances of the case.

2. Learned counsel for the petitioners however, states that they are desirous of availing of ‘One Time Settlement Scheme’ to settle their outstanding dues, which they have been invited to avail of in terms of the letter dated 22.01.2018 by the respondents.

3. The writ petition accordingly, stands dismissed.

Chandran/BT

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.01.2018
Transmission Date	NA

