IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4487 of 2017

==========

1. M/s Surya Automobiles, At resident of Suraj Nagar, Post Akauna Bazar, P.S.-Mufassil, District-Nawada, through its Partner Binay Kumar @ Binay Kumar Singh.
2. Anirudh Prasad Singh Son of Late Suraj Dev Prasad Singh resident of Suraj Nagar, Post Akauna Bazar, P.S. - Mufassil, District-Nawada.
3. Binay Kumar Singh @ Binay Kumar Son of Late Ram Nandan Prasad Singh resident of Suraj Nagar, Post Akauna Bazar, P.S.-Mufassil, District-Nawada
4. Smt. Radha Devi Wife of Late Bhushan Prasad Singh resident of Suraj Nagar, Post Akauna Bazar, P.S.-Mufassil, District-Nawada

.... Petitioners

Versus

1. The State of Bihar, through the Principal Secretary, Finance Department, Govt. of Bihar, Patna.
2. The General Manager, Central Bank of India, 2nd Floor, Maurya Lok Complex Patna Bihar.
3. The Zonal Manager Regional Manager Central Bank of India, Zonal Office, 2nd Floor Maurya Lok Complex, Patna, Bihar.
4. The Authorised Officer, Central Bank of India, Zonal Officer 2nd Floor, Maurya Lok Complex, Patna, Bihar.
5. The Branch Manager, Central Bank of India, Branch Nawada, Kadam Kuan Chauk, Station Road, Nawada.

.... Respondents

==========

Appearance :
For the Petitioners : Mr. Bipin Kumar, Advocate
For the State : Mr. Ranjit Kumar, AC to GP26
For the Bank : Mr. Ajay Kumar Sinha, Advocate

==========

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date: 25-01-2018

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

"(a) To issue a writ of certiorari for quashing the auction sale notice as published in daily newspaper Hindustan daily dated 05.03.2017 (Annexure-6), issued by the Authorized Officer of Central Bank of India, through which he has been pleased to invite tenders for e-auction sale of dwelling house of petitioners 2 to 4 in illegal and arbitrary manner fixing date of auction sale as 11.04.2017, contrary to provisions of S.A.R.F.A.E.S.I. Act 2002 and rules framed there under and without proper

WEB COPY

valuation of the land in question and building standing over the same.

(b) To issue a further writ of certiorari for quashing the Possession Notice dated 08.12.2016 (Annexure-5) which has been published without following the Rules of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 against the current account No. 3093683316.

(c) To issue a writ of mandamus commanding the respondents to discharge their legal obligation to follow the provisions of S.A.R.F.A.E.S.I. Act 2002 and rules applicable therein in its words and spirit and after allowing reasonable time to the petitioner 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.

(d) To issue a further writ of mandamus commanding the respondents to restore the Bank Guarantee of the petitioners under BG A/C No. 3524400650 of Rs. 30,00,000/- (Thirty Lakhs) which has been revoked by the Bank without giving prior intimation/notice to the petitioners.

(e) 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.

(f) 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 their Bank.

(g) For any other relief/reliefs if petitioners are found entitled in the facts and circumstances of the case."

WEB COPY

2. At the very outset, learned counsel for the petitioners invites attention to the supplementary affidavit in paragraph 3 whereof it is stated that the issue relating to the outstanding dues against the petitioners has since been compromised and settled for Rs. 2.60 crores out of which Rs. 27.20 lacs is said to have already been deposited. It is therefore submitted that the present writ petition need not be pursued any further.

3. Learned counsel for the respondent-Bank appears and submits that in view of the statements made in the supplementary affidavit, he has no objection to the stand of the petitioners.

4. The writ petition accordingly stands disposed of.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	27.01.2018
Transmission Date	N.A.

WEB COPY