IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6120 of 2017

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M/s. Chahat Auto through Proprietor namely Rakesh Kumar, Son of Sri Krityanand Singh, Resident of Mohalla - Dharamraj Chak, Purani Bazar, Lakhisarai

.... Petitioner/s

Versus

1. Bihar Gramin Bank through its Chairman, having its Head Office at Begusarai
2. The Chairman, Bihar Gramin Bank through its Head Office Begusarai
3. The Regional Manager, Bihar Gramin Bank, Regional Office, Lakhisarai
4. The Authorised Officer, Bihar Gramin Bank, Regional Office, Lakhisarai
5. The Branch Manager, Bihar Gramin Bank, Branch Vidyapeeth, Lakhisarai

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Arun Kumar, Adv

For the Respondent/s : Mr. Ranjeet Kumar Pandey, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 02-04-2018

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

I.A.No. 330 of 2018

2. This interlocutory application has been filed for quashing the possession notice dated 22.12.2017 issued by the respondent Bank by which during the pendency of the main writ petition, took possession over the mortgaged property; and for stay of the possession notice till disposal of the main writ petition.

3. Having regard to the nature of the prayer, I.A. No. 330 of 2018 is allowed and the same is treated as forming part of the main writ petition.

CWJC No. 6120 of 2017

4. The present writ petition has been filed for the following reliefs__

(i) A writ in the nature of certiorari setting aside the impugned notice bearing Re. No. 4163/2016-17 dated 23.02.2017 issued under the signature of respondent authorized officer of the bank as contained in Annexure-5 whereby and whereunder without supplying the necessary information and documents demanded by the petitioner in pursuant to earlier notice respondent bank has issued notice directing to deposit the outstanding dues of Rs. 6,38,287/- failing which possession over the immovable property mortgaged against grant of loan will be taken by the Bank; and for no fault on the part of the petitioner.

(ii) For a direction upon the respondents concerned to supply the necessary information and documents sought for by the petitioner disclosing the mode of interest counted on the principal amount.

(iii) For any other order/orders for granting any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of the case.

5. Learned counsel for the petitioner submits that the respondent-bank has taken recourse to SARFAESI proceedings for recovery of its dues without even properly supplying a copy of the statement of accounts and other requisite information. It is stated that the petitioner is ready and willing to settle the dues of the bank and make payment of the entire

outstanding amount in reasonable instalments.

6. Learned counsel for the respondent bank appears and has been heard.

7. This Court had directed the respondent-bank to supply the statement of accounts together with calculation of interest, which has now admittedly been supplied to the petitioner.

8. Having regard to the stand of the respondent-bank as well as the nature of prayer in the writ petition, this Court is not inclined to interfere in the matter relating to recovery of dues of the bank by resort to proceedings under the SARFAESI Act, in asmuch as the petitioner has adequate statutory remedy for redressal of its grievances.

9. The writ petition stands disposed of with liberty to the petitioner to avail of such remedy as may be available to it in accordance with law for redressal of its grievances.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.04.2018
Transmission Date	NA