

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4522 of 2019

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Rajmani Devi Wife of Sri Rajaram Paswan Resident of Village-P.O.-Pilchhi
P.S.-Daudnagar, District-Aurangabad,

... .. Petitioner/s

Versus

1. Madhya Bihar Gramin Bank Head Office Meena Plaza, South to Museum, Patna through its Chairman
2. The Chairman, Madhya Bihar Gramin Bank, Head Office Meena Plaza, South to Museum, Patna
3. The Chief Manager, Madhya Bihar Gramin Bank, Head office Meena Plaza, South to Museum Patna
4. The Regional Manager-Cum-Authorised Officer Madhya Bihar Gramin Bank , Regional Officer Aurangabad.
5. The Branch Manager, Madhya Bihar Gramin Bank, Daudnagar Branch, Aurangabad,

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar
For the Respondent/s : Dr. Anand Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-07-2019 Petitioner in this case is aggrieved by the possession notice published on 07.12.2018 (Annexure-1) by the bank in exercise of its power under Section 13(2) and 13(12) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the 'Act of 2002) by which the bank has proceeded to take possession of the secured asset in question. So far as the grievance of the petitioner against the possession action is concerned, the petitioner has a remedy available in law by filing a securitisation application under Section 17 of the Act of 2002,



therefore, this Court is not going to exercise its discretionary power under Article 226 of the Constitution of India to entertain a challenge to the possession action. It is however open for the petitioner to seek his remedy against the possession notice (Annexure-1) before the appropriate forum in accordance with law.

There is a further prayer of the petitioner for a direction to the respondents to make one time settlement with the petitioner with respect to the dues in question.

Learned counsel for the bank has drawn attention of this Court towards Annexure-E to the counter affidavit and then Annexure-5 to the writ application which would show that earlier the bank had given opportunity to the petitioner to settle the account by way of compromise within a period of one week. The petitioner had gone to the bank by submitting an application dated 04.01.2019 (Annexure-5), on which the bank had informed the petitioner that as on 04.12.2018 a total amount of Rs.7,95,189.75 is outstanding in the account. Leaned counsel for the bank submits that if the petitioner has any intention to settle the account, the bank is still ready to do that provided the petitioner comes for settlement and pays the settlement amount in terms of the recovery policy of the bank.



In the given facts and circumstances of the case so far as second prayer of the petitioner is concerned, this Court grants liberty to the petitioner to approach the bank within 15 days from today and request the bank to allow the settlement which the competent authority of the bank shall consider in view of their stand before this Court in accordance with law and its recovery policy. Such a decision be communicated to the petitioner within 30 days from the date of receipt of the proposal of the petitioner within the aforesaid period.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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