

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10464 of 2017

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Shri Suresh Pandey Son of Deo Parshan Pandey, resident of Village- Bindaul,
P.O.- Bindaul, P.S.- Bihta, District- Patna.

... .. Petitioner

Versus

1. The Managing Director, Bihar State Cooperative Land Development Bank, Samitree, Budha Marg, Patna-1.
2. The Additional Managing Director, Bihar State Co-operative Land Development Bank, Samitee, Budha Marg, Patna-1
3. The Regional Manager-cum-Certificate Office, Land Development Bank, Budha Marg, Patna-1.
4. The Branch Manager, Bihar State Co-operative Land Development Bank, Samitee, Bihta Branch, Bihta, Patna.
5. The Field Officer, Bihar State Co-operative Land Development Bank, Samitee, Bihta Branch, Bihta, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pawan Kr. Singh, Advocate
		Mr. Biresh Kr. Singh, Advocate
For the Respondent/s	:	Mr. Rajesh Prasad Choudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 08-07-2019 Against a notice as contained in Letter No. 273

dated 22.08.2013 demanding a sum of Rs. 15,05,000

(fifteen lakhs and five thousand) as on 30.06.2013 from the

petitioner against the outstanding loan, the petitioner has

moved this court in it's writ jurisdiction after about four

years.

Learned counsel for the petitioner submits that the

petitioner is presently ready to pay Rupees Two Lakhs.

Learned counsel for the Bank submits that the petitioner has



moved this court against the demand notice only, even without representing the matter before the Regional Manager cum Certificate Officer, Land Development Bank, Patna who has issued the notice. It is submitted that the present writ application as framed and filed after a period of four years is not fit to be entertained.

After hearing learned counsel for the parties and on perusal of the records, this court finds force in the submission of learned counsel for the Bank inasmuch as it appears from Annexure '1' to the writ application that it was issued on 22.08.2013 calling upon the petitioner to make payment of the outstanding dues, failing which the mortgaged land shall be auction sold. The petitioner instead of representing it's case before the Regional Manager cum Certificate Officer of the Bank maintained silence and then after four years has moved this court challenging the said notice.

In the writ application, the petitioner is unable to demonstrate as to why he could not take steps before the Regional Manager cum Certificate Officer during all these yeas.



In the given facts and circumstances of the case, this court finds no reason to interfere with the impugned notice. It is open for the petitioner to approach the Regional Manager cum Certificate Officer of the Bank or the Requisitioning Authority i.e. the Managing Director of the Bank to allow him to pay the outstanding dues in terms of the recovery policy of the Bank. In case, the petitioner approaches the authorities of the Bank or the Regional Manager cum Certificate Officer of the Bank within a period of 30 days from today with reasonable offer, the same shall be considered by the concerned authorities in accordance with the recovery policy of the Bank to see if the account of the petitioner may be settled.

The writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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