

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7800 of 2017

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Avijeet Kumar, Son of late Devendra Prasad Singh Resident of House No. 92,
Ward No. 21, Garhpar, Biharsharif, District- Nalanda, Bihar.

... .. Petitioner

Versus

1. Central Bank Of India Through Branch Manager Biharsharif, P.S. - Biharsharif, District – Nalanda (Bihar).
2. Union of India through Secretary Ministry of Finance, Government of India, New Delhi.
3. Recovery Officer-1, Debt Recovery Tribunal , Wings - "A" and "B", 5th Floor Karpuri Thakur Sadan, Gopa, Near Rajeev Nagar, P.S. Ashiana Digha Road, Patna – 800025.
4. Arvind Kumar Son of late Mewa Lal Sao Resident of Opposite Nageshwar Mall and Multiples, Ramchandrapur, P.S. Biharsharif, District Nalanda Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Raju Giri, Advocate Mr. Santosh Kr. Mishra, Advocate
For the Resp. Bank	:	Mr. Ajay Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Arbind Kr. Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-08-2019 The present writ application has been filed for a direction to the respondents to give possession of the property in question which the petitioner is said to have purchased in the auction sale conducted by the Recovery Officer in R.P. No. 92 of 2014. In alternative the petitioner is praying for refund of entire amount of Rs. 1,59,22,670/- (Rupees One Crore Fifty Nine Lakhs Twenty Two Thousand Six Hundred and Seventy only) with interest thereon at the rate of 18% per annum. It is the case of the



petitioner that being highest bidder of the property in question the petitioner was declared successful in the auction sale, he deposited the entire amount through demand drafts with the Recovery Officer. The grievance of the petitioner is that despite deposit of the entire amount in time the possession of the property is not being delivered. The petitioner has also filed an application as contained in Annexure '5' to the writ application before the Recovery Officer for refund of the amount.

Learned counsel for the Bank as well as private respondent no. 4 are present.

It appears that respondent no. 4 is litigating the matter but the court has been informed that as on date there is no order of stay of the Recovery Proceeding. In such circumstances, if there is no order of stay on the Recovery Proceeding, the Recovery Officer-1 respondent no. 3 is directed to consider the application preferred by the petitioner as contained in Annexure '5' to the writ application, take steps for handing over possession of the property in question in accordance with law and/or pass such other order/orders as the respondent no. 3 deems it just



and proper in the facts and circumstances of the case.

Let the whole exercise including disposal of the application of the petitioner as contained in Annexure '5' to the writ application be completed within a period of two months from the date of receipt/production of a copy of this order.

The petitioner is granted liberty to to substantiate his submissions before the Recovery Officer by filing additional application, if so required.

The Writ Application stands disposed of accordingly.

The authorities of the Bank are directed to cooperate in the Recovery Proceeding by taking all as such steps which are required on their part and any laxity on their part in this respect will be seen seriously.

(Rajeev Ranjan Prasad, J)

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