

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1586 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

MANI BHUSHAN KUMAR Son of Sri Mathura Ram Resident of Mohalla -
3G/308, New Patliputra Colony, Patna-8000013, P.O. and P.S.- Patliputra,
District- Patna

... .. Petitioner/s

Versus

1. THE CHAIRMAN STATE BANK OF INDIA, STATE BANK BHAVAN,
MADAM CAMA ROAD, MUMBAI-400021 India
2. General Manager, Customer Service, State Bank of India, State Bank
Bhavan, 6th Floor, Madam Cama Road, Mumbai-400021
3. The Deputy General Manager, Customer Service State Bank of India, State
Bank Bhavan, 16th Floor, Madam Cama Road, Mumbai-400021
4. Chief General Manager, State Bank of India at State Bank of India Local
Head Office, Gandhi Maidan, Patna- 800001
5. General Manager, State Bank of India, at State Bank of India Local Head
Office, Gandhi Maidan, Patna- 800001
6. Deputy General Manager, State Bank of India at Judges Court Road, Anta
Ghat, Gandhi Maidan, Patna - 800001
7. Assistant General Manager, State Bank of India, RACCP, at State Bank of
India, Gandhi Maidan, Patna - 800001
8. Chief Manager, Maintenance, RACCP, at State Bank of India, Gandhi
Maidan Main Branch, Gandhi Maidan, Patna -800001
9. Akash Recovery Services Private Limited, through its Board of Directors,
having its Registered Office at Ashiana Tower, 4th Floor, North Exhibition
Road, Patna- 800001

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mani Bhushan Sahay, in person
For the Respondents SBI: None

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 22-11-2019

Heard Mr. Mani Bhushan Sahay, appearing in person.

2. The present writ petition has been filed for a "*direction*
to the respondents to release the Baleno Car of the petitioner
bearing Registration No. BR01EA-7402 on the payment of the



amount of instalments which have become due and further direction may kindly be given to stay the auction/sale of the aforesaid car of the petitioner and not to take any coercive measure against the car of the petitioner.”

3. Mr. Mani Bhushan Sahay, an Advocate of this Court appearing in person submits that the respondent-Bank has acted out and out illegally in taking re-possession of his Maruti Baleno Car despite repayment of the loan in monthly instalments having been paid up-till August, 2019 without default and that too without valid service of notice/demand notice under the SARFAESI Act, 2002 by employing musclemen/bouncers on 11.11.2019. It is stated that after filing of the writ petition the petitioner has filed a representation on 19.11.2019 before the Chief Manager, Maintenance, RACCP, State Bank of India, Gandhi Maidan Main Branch, Patna (Respondent No. 8) for regularising his car loan and release of the car on payment of due amount of his instalments.

4. Despite appearance having been entered on behalf of the Bank none appears on behalf of the Bank when the matter is called today.

5. Having regard to the grievance of the petitioner and without going into the detailed merits or maintainability of the writ petition, the writ petition is disposed of with a direction to the Respondent No. 8 to consider and dispose of the petitioner's



aforesaid representation said to have been filed on 20.11.2019, if pending, on its own merits and in accordance with law expeditiously. It is further directed that until disposal of the petitioner's representation aforesaid the Bank shall refrain from auction sale of the petitioner's car.

6. The writ petition stands disposed of with the aforesaid observations and directions.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.11.2019
Transmission Date	22.11.2019

