

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3022 of 2021

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Ashok Kumar Gupta Son of Rameshwar Prasad Resident of Bari Road,
Kathokar Talab, Adarsh Colony, Police Station-Civil Line, District- Gaya-
823001

... .. Petitioner/s

Versus

1. The Canara Bank Through its Chairman, Head Officer- 112JC Road,
Bangalore, PIN- 560002
2. The Branch Manager, Canara Bank G.B. Road Branch, Police Station-
Kotwali, Gaya- 823001
3. The Authorised Officer, Canara Bank G.B. Road Branch, Police Station-
Kotwali, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan, Advocate

For the Respondent/s : Mr. Sanjay Singh Thakur, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 14-12-2021 Petitioner has prayed for the following relief(s):-

- I. For a writ of certiorari to quash the sale notice dated
7.11.2020 issued under the signature of authorized Officer,
Canara Bank, Gaya whereby the respondent bank has put
the secured property of the petitioner on auction sale to be



held on 15.12.2020, which auction sale is illegal and unsustainable as the petitioner is ready to pay the amount settled under OTS within a reasonable time as on account of Covid-19 Pandemic there was disruption of business and commerce and therefore, the settled amount could not be deposited

- II. For a direction to the Respondent Bank to extend the timeline stipulated under the earlier OTS scheme by a period of three months from the date of order as other nationalized bank are extending one more opportunity to borrower to repay the settled amount under OTS in view of Corona –Virus and disruption of economy.
- III. For any other relief/reliefs to which the petitioner is entitled under law.

Shri Sanjay Singh Thakur, learned counsel for the Bank states that the present petition has become infructuous inasmuch as public auction, subject matter of the present petition, did not fructify. He further states that the Debt Recovery Tribunal is now fully functional inasmuch as the notification of giving the additional charge stands issued.

Learned counsel for the petitioner states that in view



of the same, petitioner may be permitted to approach the Debt Recovery Tribunal.

Liberty granted.

If the Petitioner approaches the Tribunal and files an application along with a copy of this order, within a period of four weeks, the issue of limitation shall not come in the way of the petitioner.

Liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We have not expressed any opinion on merits of the matter. All issues are left open.

The present petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

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