

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2904 of 2021

1. Raj Kumar Gupta Son of Late Hira Lal Gupta
2. Smt. Sheela Devi wife of Raj Kumar Gupta
Both resident of Mohalla - Baburbanna, P.S. - Sohsarai, District- Nalanda.

... .. Petitioner/s

Versus

1. The General Manager, Central bank of India, Chandramukhi, Nariman Point, Mumbai, 400021.
2. The Regional Manager, Central Bank of India, Regional Office, Zonal Office, Block - B 2nd Floor, Maurya Lok complex, Patna.
3. The Authorized Officer, Central bank of India, Recovery Department, Regional Office White House Compound A.P. Colony, Gaya.
4. The Branch Manager, Central bank of India, Kisan College Branch, Sohsarai, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-11-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“(i) For issuance of an appropriate writ/writs in the nature of Mandamus' commanding and directing the respondents to quash the possession Notice dated 3-02-2020, issued by the Respondent Branch Manager, Central Bank of India, Kisan College Branch Sohsarai, Nalanda, whereby and where under the respondents have taken possession of the property of petitioners situated at Mauza Baburbanna Thana – Rahui, Thana No. 141, Khata No. 74, plot No. 408 Tauzi Bihar Sarkar Ward No. 30/2, H.N. 1107A.

(ii) For issuance of an appropriate direction to the respondents to stay/not take any coercive step to take possession of aforesaid land.

(iii) For any other reliefs to which the petitioner may be found entitled to in the facts and circumstances of the case.

The respondents have taken possession of aforesaid land under section 13(4) of SARFAESI Act without following norms and guidelines of Rule 8 of the Security Interest (Enforcement) Rules, 2002.

(iv) Further for a direction to the respondents to not take any coercive steps against the order dated 3/2/2020 passed by them U/S. 13/4 of SARFAESI Act.

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the appropriate authority to consider and decide the representation to be filed, within a period of three months from the date of its presentation.

Without expressing any opinion on merits of the claim, petition is disposed of with the liberty aforesaid. All issues on facts and law are left open.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Equally, liberty is reserved to the petitioner to take

recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

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