

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19403 of 2021

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Bhagwan Lal Jha Son of Late Bal Mukund Jha Resident of House No. 29A,
J.P.N. Lane, Near Patliputra High School, Jagat Narayan Road, P.S.
Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

1. Indian Bank (previous Allahabad Bank) through its Zonal Manager, Infront Kotwali Thana, Buddha Marg, Patna.
2. The Authorized Officer, Stressed Asset Management Branch, Indian Bank (Previous Allahabad Bank), Kotwali Thana, Buddha Marg, Patna.
3. Chief Manager, Indian Bank (Previous Allahabad Bank), Boring Road Branch, Sahdeo Mahto Marg, Patna Marg, Patna.
4. Ashutosh Kumar Jha Son of Shri Ashok Kumar Jha Resident of Flat No. 121, Jamuna Apartment, Boring Road, PS Krishnapuri, District Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Ranjan, Advocate
For the Respondent/s	:	Mr. Dr. K.N. Singh, ASG
		Dr. Binod Kumar Jha, Advocate
		Mr. Rajan Ghoshrahe, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- i. For issuance of an appropriate writ in the nature of **MANDAMUS**, for staying the operation of the auction sale held on 15-09-2021 by the Respondent Bank whereby and where under the Respondent Bank has auctioned the property given as guarantee for the loan taken by Respondent No. 4 from the Respondent Bank on the ground that entire process of auction is violated and suffers from vice of non-compliance of mandatory requirements of the law regulating the procedure in this regard.



- ii. For issuance of an appropriate writ in the nature of **Mandamus**, commanding and directing the Respondent Bank not to proceed ahead in pursuance of auction held on 15-09-2021 and not to issue confirmation of sale & sale certificate in favour of the auction purchaser on the ground that not only the entire process is illegal and thus requires not be perpetuated further but also for the reason that in light of direction of the Learned Debt Recovery Tribunal, Patna in SA No. 110/2020, all proposals by the concerned parties are still pending before the Respondent Bank.
- iii. For issuance of an appropriate writ in the nature of **Mandamus**, commanding and directing the respondent Bank to consider the proposal of the writ petitioner concerning property so auctioned and take a rational decision which may serve the interest of the bank as also the concerned parties whose right in property is at stake here.
- iv. For issuance of an appropriate writ in the nature of **Mandamus**, commanding and directing the respondent Bank not to act further in instant case in absence of any further direction of the Learned Debt recovery tribunal, Patna wherein the matter is still sub judice as matter could not be heard on fixed date of hearing i.e. on 05-10-2021 due to non availability of Presiding Officer.
- v. For issuance of any other appropriate writ/writes, order/orders, direction/directions for which the writ petitioner is entitled under the facts and circumstances of the case.

Dr. K.N. Singh, learned Additional Solicitor General, invites our attention to the notification dated 13th of December, 2021, whereby Presiding Officer, Debt Recovery Tribunal, Ranchi has been given charge of Debt Recovery Tribunal, Patna.

Learned counsel for the petitioner states that petitioner shall be content if a direction is issued for early disposal



of the application, which is pending consideration before the said forum.

None can have any objection to the same.

We find that the petitioner's application being S.A. No. 110 of 2020, titled as Ashutosh Kumar Jha Vs. Indian Bank (Annexure-5, Page-64) is pending consideration.

Learned counsel for the respondent Bank states that they shall have no objection to the early disposal of the said application.

We hope and expect the Tribunal to decide the said application expeditiously and preferably within a period of three months from the date of receipt/production of a copy of this order before the Tribunal, maintaining its seniority.

The instant writ petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	17.12.2021
Transmission Date	

