

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19619 of 2021

M/s Maa Shanti Rice Mill Through its Proprietor Santosh Kumar Singh, Male, Aged about 59 years, Son of Bishwanath Singh, Resident of Rasulpur, Tenghra, P.S.- Aurangabad, District- Aurangabad (Bihar) presently residing at Mohallah- Anurgrah Nagar, Ward No. 41, North of Sone Canal, P.S.- Aurangabad, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The Punjab National Bank through its Zonal Manager, Punjab National Bank, R- Block, Chanakya Towers 2nd Floor, Veer Chand Patel Path, Patna, Pin Code- 800001 (Bihar).
2. The Circle Officer, Punjab National Bank, Aurangabad Branch, District- Aurangabad (Bihar).
3. The Branch Manager, Punjab National Bank, M.G. Road, Aurangabad, District- Aurangabad (Bihar).
4. The Authorized Officer, Punjab National Bank, M.G. Road, Aurangabad, District- Aurangabad (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate
For the Respondent/s : Mr. Kumar Priya Ranjan, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-12-2021

Heard learned counsel for the parties.

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

- (i) For a direction to the Respondent Bank to restrain from acting upon the Possession Notice dated 01.10.2021 issued by the Authorized Officer, Punjab National Bank,



Aurangabad to the effect that the property mentioned in the Notice has been taken under possession which includes the Residential House of the Petitioner and the Business Premises such as Rice Mill, which is illegal and against the Act.

- (ii) For commanding the Respondent Bank not to disturb the peaceful possession of the Petitioner's house which is the joint property of the family and grant further time to the Petitioner to settle the Accounts.

The petitioner intends to enter into One Time Settlement with the respondent Bank and to establish his *bona fide*, he is ready and willing to deposit a sum of ₹5 lacs within next 48 hours with the respondent Bank. Also, within a period of next two/three weeks, petitioner undertakes to deposit 20 per cent of the amount in question, including Rs. 5 lacs. These deposits shall be without prejudice to the respective rights and contention of the parties.

Learned counsel for the respondents states that in the event petitioner files a representation for redressal of his grievance(s), after making deposit of 20 per cent of the amount in question, including Rs. 5 lacs, within two/three weeks, the authority concerned shall consider and dispose of the



representation expeditiously and preferably within a period of one month from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) The petitioner shall deposit a sum of ₹5 lacs within next 48 hours with the respondent Bank. Also, within a period of next two/three weeks, petitioner undertakes to deposit 20 per cent of the amount in question, including ₹5 lacs;

(b) These deposits shall be without prejudice to the respective rights and contention of the parties.

(c) Petitioner shall file a representation before the authority concerned for redressal of the grievance(s), after making deposit of 20 per cent of the amount in question, including Rs. 5 lacs to be deposited within 48 hours;

(d) The authority concerned shall consider and dispose it of expeditiously, by a reasoned and speaking order preferably within a period of one month from the date of its filing along with a copy of this order and till then no coercive steps shall be taken against the petitioner;

(e) Needless to add, while considering such



representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) 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;

(h) Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits. All issues are left open;

The 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	21.12.2021
Transmission Date	

