

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20030 of 2021

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Ranvijay Singh, S/o Sri Dhananjay Singh, Resident of Kailash Nagar, Ward
No. 34, Old GT Road, Sasaram, P.S. Sasaram, District - Rohtas.

... .. Petitioner/s

Versus

1. The State Bank of India, SARB, Patna through its Authorised Officer, 2nd Floor Patna Main Branch, Western Gandhi Maidan, Patna.
2. The Authorised Officer, The State Bank of India, SARB Patna, 2nd floor Patna Main Branch, Western Gandhi Maidan, Patna.
3. The Branch Manager, The State Bank of India, Sasaram (Rohtas).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Binod Kumar Sinha, Advocate
For the Respondent/s	:	Mr.Sanjiv Kumar, Advocate

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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 following relief:-

“(i) For issuance of writ in the nature of certiorari for setting aside the impugned possession Notice dated 10.09.2021 of the Immovable property of the petitioner taken by the respondents on 10.09.2021 under Section 13(4) of the SARFAESI Act, 2002 read with Rule 8(i) of the Security Interest (Enforcement) Rules 2002.

(ii) For issuance of writ in the nature of mandamus directing upon the respondents to settle the matter after resorting to mandatory provisions of the SARFAESI Act, 2002.

(iii) For issuance of writ in the nature of mandamus directing upon the respondents to release the collateral

security document deposited by the petitioner and to handover the documents in original along with No Objection Certificate to the petitioner.

(iv) For a direction to grant any other relief / reliefs as your Lordship deems fit and proper in the facts and circumstances of the case.”

Learned counsel for the petitioner states that petitioner is ready and willing to settle the matter with the respondent-bank.

For such purpose, the petitioner shall approach respondent no. 2 namely, the Authorised Officer, The State Bank of India, SARB Patna, 2nd floor Patna Main Branch, Western Gandhi Maidan, Patna, giving a concrete proposal. He further states that the respondent-bank, considering the attending facts and circumstances, should waive off the component of interest which according to the petitioners stands unduly charged.

To establish their bonafide, petitioner is ready and willing to deposit a sum of Rs. 30,00,000/- (Thirty Lacs) as against the total outstanding demand of Rs. 3,45,79,186/- as on 10.09.2021.

We are satisfied about the petitioner's intent and bonafide for settling the matter, as such, we are passing the

order in exercise of our equitable jurisdiction and more so in view of the directions issued by Hon'ble the Apex Court, in following mutual agreeable terms:-

(a) Petitioner shall deposit sum of Rs. 30 Lacs with the respondent-bank within three weeks out of which Rs. 20 Lacs will be deposited within one week.

(b) He shall approach the respondent no. 2 namely, the Authorised Officer, The State Bank of India, SARB Patna, 2nd floor Patna Main Branch, Western Gandhi Maidan, Patna, with a concrete proposal within the said period.

(c) The said respondent shall consider and decide the petitioner's request expeditiously preferably within a period of **Five weeks**.

(d) Petitioner undertakes to abide by the terms which would be mutually arrived at between the parties.

(e) Till such time, the exercise is complete, no coercive action shall be taken against the petitioner.

(f) If, however, petitioner fails to deposit the amount with the respondent-bank within the aforesaid period, order of interim stay shall automatically stand vacated.

(g) Liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available

in accordance with law, if the need so arises.

The writ petition is accordingly, disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.12.2021
Transmission Date	NA