IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1060 of 2022

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Amar Kumar Singh, Son of Late Ganesh Dutta Singh, Resident of Milanpara, Khushkibagh, P.S.- Sadar, District - Purnea.

... ... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate-cum-Collector, Purnea.
2. The District Magistrate-cum-Collector, Purnea.
3. The In-charge-Officer, District Legal Branch, Purnea.
4. The Sub-Divisional Officer, Purnea.
5. The Regional Manager, State Bank of India, Purnea.
6. The Branch Manager, State Bank of India, Khushibagh Branch, Purnea.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Raj Kumar, Advocate
For the Respondent/s	:	Mr. Ajay Kr. Rastogi, AAG 10 Ms. Smriti Singh, Advocate
For the Bank	:	Mr. Sanjay Singh Thakur, Advocate

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

Date : 08-03-2022

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

> I.For quashing the order dated 29.09.2021 passed by the District Magistrate, Purnea (respondent No.-2), which was issued vide Memo No.2412 dated 30.09.2021 whereby and where under the respondent No.2 has allowed acceptance to transfer of physical possession of the secured assets situated under Mauza – Alamganj, Thana No.239 bearing Khata No.12, Khesra No.960, area 2.250 Sq. Kari of the petitioner to the concern bank (respondent No.6).

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II. For further to quash the Notice dated 23.09.2020 issued U/s - 13(2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act by the respondent Bank, to the petitioner.

III. For further to stay the order dated 26.11.2021 passed by the Sub-Divisional Officer, Sadar, Purnea (respondent No.4) issued vide Memo No.1387 dated 27.11.2021 whereby and where under arrangement was made to transfer possession of said secured assets in favour of respondent bank.

IV. For further direction to restrain the respondent authorities from taking any coercive action against the secured assets of the petitioner in pursuance to the aforementioned notice.

IV. For any other relief/reliefs for which the petitioner is entitled in the eye of law.

We are entertaining the present petition in view of the fact that at this point in time, the Debt Recovery Tribunal is not functional on account of non-appointment of Presiding Officer.

Learned counsel for the Bank states that till the date of joining bank shall not take any coercive action against the petitioner.

Learned counsel for the petitioner states that petitioner is ready and willing to settle the matter with the Bank. To show his *bona fides*, petitioner undertakes to deposit a sum of Rs. One lakh on or before 23.03.2022.

Taking a holistic view, we dispose of the present

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petition on the following mutually agreeable terms:-

(a) Petitioner shall positively deposit a sum of ₹1,00,000/- (Rupees one lakh) with the respondent Bank on or before 23.03.2022;

(b) Petitioner shall make himself available in the office of Respondent No. 6, namely The Branch Manager, State Bank of India, Kushibagh Branch, Purnea on 23.03.2022 at 10:30 A.M. with a proposal, complete in all aspect, for-(i) re-determining the amount due and payable by the petitioner to the Bank; (ii) seeking waiver of interest on the principal amount due and payable in terms of the policy of the Bank as also the guidelines issued by the Reserve Bank of India;

(c) The Bank shall take a decision on the petitioner's request within a period of two weeks thereafter;

(d) Such decision has to be in accordance with law; the guidelines issued by the Reserve Bank of India and maintaining parity;

(e) Till the time proposal is pending with the authorities, no coercive action shall be taken against the petitioner.

(f) If the petitioner fails to deposit a sum of Rs. one lakh, as undertaken by him, or repay the amount in

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terms of the schedule fixed by the Bank on mutually agreeable terms, it shall be open for the Bank to take recourse to the remedies in accordance with law, including sale of mortgaged/hypothecated property.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	10.03.2022
Transmission Date	

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