

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1690 of 2022

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Smt. Archana Devi Wife of Shri Birendra Kumar Resident of Shokhara-2,
Kalambagh Tola, Barauni, District-Begusarai, Pin 851112.

... .. Petitioner/s

Versus

1. The Authorized Officer Secured Assets Recovery Branch (SARB), State Bank of India, 2nd Floor, Patna Main Branch Building, West Gandhi Maidan, Patna 800001.
2. The Branch Manager, State Bank of India, Industrial Area Branch, Deona, Begusarai.
3. The Registrar, Debts Recovery Tribunal, 2nd Floor, Karpuri Thakur Sadan, Kendriya Karamchari Parisar (GPOA), Ashiana-Digha Road, Patna-800025.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Prasad, Advocate
		Mr. Kaushal Kumar, Advocate
For the Respondent/s	:	Mr. Santosh Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-03-2022

Petitioner has prayed for the following relief(s):

“(i) For issuance of a direction to the respondent authority for grant of “no-dues certificate” as well as to hand over and deliver the mortgage documents kept lying with the respondent bank deposited by the petitioner at the time of sanction of loan.

(ii) For issuance of a direction to the respondent bank authority to consider the representation filed by the petitioner on 29th November 2021 for releasing mortgage



document and other connected documents kept in custody of respondent bank as well as issuance of no dues certificate, but the representation has not been considered by the respondent bank till today.

(iii) For grant of any other relief or reliefs to which the petitioner may be found entitled in the interest of justice.”

Petitioner states that even if the order dated 11.09.2021 (Page-23) passed by the Lok Adalat is not to be accounted for, even then on the basis of the settlement arrived at inter se the parties, i.e. the petitioner and the respondent Bank, the latter is bound to release the property mortgaged for a sum of Rs.26,50,000/-, in terms of the compromise, stood deposited by the petitioner way back in the year 2019 itself. We are also informed that petitioner had instituted proceedings before the D.R.T., but however, the Tribunal is not functional at this point in time.

Petitioner further states that he shall approach respondent No.1, namely The Authorized Officer Secured Assets Recovery Branch (SARB), State Bank of India, 2nd Floor, Patna Main Branch Building, West Gandhi Maidan, Patna, inviting attention of the facts, subject-matter of the present petition, requesting for an early release of the property



mortgaged with respect to the loan amount.

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

- (a) Petitioner shall approach respondent No.1, namely
The Authorized Officer Secured Assets Recovery
Branch (SARB), State Bank of India, 2nd Floor,
Patna Main Branch Building, West Gandhi Maidan,
Patna, inviting attention of the facts, subject-matter
of the present petition, requesting for an early
release of the property mortgaged with respect to
the loan amount within a period of four weeks from
today by filing a representation for redressal of the
grievance(s);
- (b) The authority concerned shall consider and dispose
it of expeditiously by a reasoned and speaking
order preferably within a period of three months
from the date of its filing along with a copy of this
order;
- (c) Till such time the representation is decided, no
coercive action shall be taken against the petitioner;
- (d) The order assigning reasons shall be communicated
to 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) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;
- (g) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;
- (h) 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;
- (i) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;
- (j) We have not expressed any opinion on merits. All issues are left open;
- (k) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through



digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	23.03.2022
Transmission Date	

