

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1900 of 2022

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Arvind Kumar Choudhary Son of Late Dr. R.B. Choudhary Resident of House No. P/2 Vidyapuri, Kankarbagh, P.O. and P.S.- Kankarbagh, Town and District- Patna, Pin Code- 800020 (Bihar).

... .. Petitioner/s

Versus

1. The Punjab National Bank through its Chief Manager having its Office at 2nd Floor, Maharaja Kameshwar Complex, Fraser Road (New Market), Patna- 800001 (Bihar).
2. The Circle Head, Punjab National Bank having its office at R Block, Chanakya Tower, Patna- 800001 (Bihar).
3. The Branch Manager, Punjab National Bank, 2nd Floor, Maharaja Kameshwar Complex, Fraser Road (New Market), Patna- 800001 (Bihar).
4. The Authorized Officer, Punjab National Bank having its office at New Market, Patna- 800001 (Bihar).
5. Dr. Shipra Roy Wife of Dr. Ajit Singh Resident of House No. MIG- 201, P.O. and P.S.- Kankarbagh, District- Patna, Pin Code- 800020 (Bihar).
6. The State of Bihar through the District Magistrate, Patna.
7. The Sub Divisional Officer, Patna Sadar, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhanendra Chaubey, Advocate
For the State : Mr. Raghwendra Kumar (S.C. 22)
For the Respondent Nos. 2, 3 & 4 : Mr. Arvind 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 : 21-03-2022

Heard learned counsel for the parties.

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

“That this is an application for issuance of an appropriate writ, order or directions to the respondents particularly Respondent No. 5 not to disturb the physical as well as constructive possession of the petitioner who is residing in his house situated at P/2, Vidyapuri, Kankarbagh,

Patna alongwith his family and old mother and further to set aside the order dated 11.11.2020 passed by Sri A.K. Chaturvedi, Presiding Officer, Debts Recovery Tribunal, Patna in S.A. No. 94 of 2018 and further to pass any other order of orders be passed for which the petitioner found entitled too.”

We find the present petition is totally misconceived and only merits rejection. The petitioner has instituted proceedings both before the Debt Recovery Tribunal as also the Debt Recovery Appellate Tribunal.

Debt Recovery Appellate Tribunal is now fully functional and operational.

As such, it is open for the petitioner to pursue the remedies before the said forum. The dispute inter se the petitioner and the respondent bank arises out of an agreement whereby petitioner availed certain facilities by way of advances of loan. In the event of default of the terms of the agreement, the respondent bank has initiated proceedings under the provisions of the SARFAESI Act and the rules framed thereunder.

Certain action stands taken, which stand assailed before different foras. The instant petition, petitioner having initiated proceedings before different foras, is nothing but an abuse of the process of law. The mortgaged property stands auction sold to respondent no. 5, notional possession thereof, as is the stand of the bank, already stands handed over. Though, it

is alleged to the contrary by the petitioner. Well, we need not say anything further, save and except leave it open for the petitioner to pursue the remedies already initiated in accordance with law.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory application(s), if any, shall sand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	