

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2357 of 2022

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Shashi Kumar S/o-Vishwanath Sharma, Resident of Sale Tax Lane, South of New Hostel, Ward -28, Damiuchowk, Nayatola, P.S.-Kazi Mohammadpur, Muzaffarpur (Bihar)-842001.

... .. Petitioner/s

Versus

1. The Bank of India through its Zonal Manager, Chanakya Tower, R-Block Chauraha, Patna
2. The Regional Manager, Bank of India, Regional Officer, Muzaffarpur.
3. The Authorized Officer-Cum-Chief Manager, Bank of India, Motijheel Branch, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate
Mr.Nihar Nandan Ambasta, Advocate

For the Respondent/s : Mr. Ajay Kumar Sinha, Sr. Advocate
Mr. Ajit Kumar Sinha, Advocate

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

Date : 07-04-2022

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

“i) A writ in the nature of certiorari or any other appropriate writ or order be issued, quashing the possession Notice dated 03.12.2021 (not served upon the Petitioner), if issued following with the sale notice dated 20.12.2021 issued by the respondent no. 3 in contravention of mandatory provisions of Rule 8 of the Secured Interest (Enforcement) Rules, 2002.

ii) A writ in the nature of mandamus or any other appropriate writ or order be issued, commanding or directing the respondents to consider the requests of the Petitioner for restructuring of his loan accounts upon payment of the overdue amount towards the respective loan accounts by the petitioner.

iii) Any other relief to which the petitioner may be



found entitled.”

Learned counsel for the petitioner states that the Debt Recovery Tribunal (hereinafter referred to as the ‘Tribunal’) is now functional and operational.

On 24th March, 2022, we have passed the following order:-

“We are informed that at this point in time, Debt Recovery Tribunal is not functional.

Petitioner is ready and willing to deposit a sum of Rs. 10,00,000/- within next three working days.

Status quo as on date shall be maintained.

List on 07.04.2022.”

Learned counsel states that liberty be granted to the petitioner to pursue the petition already instituted before the Tribunal, however, the only protection, which is required, is the continuance of the order of *status quo* granted vide order dated 24.03.2022 till such time, matter is listed and heard by the Tribunal.

As such, we direct the petitioner to appear before the Tribunal on 15.04.2022, inviting attention of the passing of the instant order.

We request the Tribunal to take up the petitioner's application at the earliest.

The order of status quo shall continue to remain in operation for a period of 15 days.



Instant petition stands disposed of in the
aforesaid terms.

Interlocutory application, if any, also stands
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	13.04.2022
Transmission Date	

