

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2131 of 2022

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Asif Raza S/O - Arif Raza, Resident of Village/Mohalla - Brahamasthan
Muhali Maidawa Bhangama Ward no. 03, M.Babhangama, P.O. - Barauni,
District - Begusarai.

... .. Petitioner/s

Versus

1. The Managing Director and CEO, Indian Bank Head Office, 66 Rajaji Salai, P.B No. 1384 Chennai, India.
2. The Zonal Manager, Indian Bank, Muzaffarpur.
3. The Authorized Officer, Indian Bank, Begusarai, Bihar.
4. The Chief Manager and Authorized Officer, Indian Bank, Zonal Office, 1st floor, Govind Bhawan, New Dak Bunglow Road, Patna - 800001.
5. The Branch Manager, Indian Bank, Begusarai Branch, Hans Plaza, G D College Road, Meerganj, Begusarai, Bihar - 851101.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Ranjan, Advocate
For the Respondent/s : Mr.Shiv Mohan Saha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

2 10-02-2022 Petitioner has prayed for following relief(s) : -

I. For writ in nature of certiorari for quashing of the possession notice issued by the respondent authorities dated 28.10.2021 and the same was pasted on the boundary wall of the Petrol Pump running in the name of the father of the petitioner for an amount of Rs.25,50,740/- as on 28.10.2021 with further interest, costs, other charges and expenses



thereon.

II. for quashing entire SARFAESI Act, 2002 proceeding initiated by the respondent authorities, as being the guarantor he is ready to repay the amount.

III. For directing and commanding the respondent authorities of the Bank not to take any further coercive action against the petitioner as being Guarantor the petitioner is ready to repay the amount within 1 year in installments after waving the interest.

IV. For directing the respondent authorities Bank to allow the petitioner to repay the amount in installments within 1 year after waving the interest.

V. For directing and commanding the respondent authorities to consider the matter sympathetically and wave the interest, as after investing huge amount in running of petrol pump, but the same is not functioning well and the small piece of land is source of livelihood for the petitioner and his family members.

VI. for any other relief or reliefs for which the petitioner is entitled under law in the facts and circumstances of the present case.”

It is stated that the Debt Recovery Tribunal, Patna is not functional for want of appointment of its Presiding Officer. It is under this circumstance that we are entertaining this petition.

Learned counsel for the petitioner states that the petitioner is ready and willing to resolve the dispute by approaching the respondents with a proposal for one time settlement and pay the amount mutually agreed upon in equal monthly installments spread over a period of six months or in terms of Recovery Management Policy, whichever is later



and/or waiver of the component of interest.

To establish his bona fides, petitioner is ready and willing to deposit a sum of Rs. 5 Lakh within a period of one week.

We are of the considered view that the petitioner's offer, at this stage, is reasonable.

In view of the statement made by the petitioner, the petitioner is directed to approach Respondent No.3, namely The Authorized Officer, Indian Bank, Begusarai, by filing a proper application, after depositing Rs. 5 Lakh, with a proposal for one time settlement and pay the amount mutually agreed upon in equal monthly installments spread over a period of six months and/or waiver of the component of interest, within two weeks and the concerned bank authorities are directed to consider and decide the same within next two months.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Equally, liberty is reserved to the petitioner to take



recourse to such alternative remedies as are otherwise available
in accordance with law.

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.

Petition is disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/chn

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