

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2713 of 2022

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Amit Kumar (Co-borrower) S/o Late Ramchandra Singh Resident of
Mohalla- Chini Mill, P.O.- Gajadharganj, P.S.- Buxar (T), District- Buxar.

... .. Petitioner/s

Versus

1. Branch Manager, Bank of Baroda Branch, Buxar Opposite Railway Station Road, P.S. Buxar (T), District- Buxar.
2. Authorized Officer, Bank of Baroda Branch, Buxar Branch, P.S. Buxar (T), District- Buxar.
3. Chief Manager, Regional Office, Bank of Baroda, Near Patliputra Golambar, Patna, P.S. Patliputra, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bachan Jee Ojha, Advocate Mr. Anand Kumar Ojha, Advocate
For the Respondent/s	:	Mr. Vivek Prasad, Advocate Mr. Santosh Kumar Singh, Advocate

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

(Per: HONOURABLE THE CHIEF JUSTICE)

3 20-04-2022 Petitioner has prayed for the following relief(s):-

“1. (i) For issuance of an appropriate writ in the nature of certiorari for quashing the notice dated 01.04.2021 issued by authorized Officer, Bank of Baroda, Buxar by which the respondent bank with the help of District Magistrate, Buxar took the physical possession of the residential house of the petitioner as a mortgage property and as such sealed the house by ousting the family members and animals on road.

(ii) For issuance of an appropriate writ in the nature of mandamus directing the respondent authorities to desealed the residential house of the petitioner forth with on humanitarian ground because



the whole family members and pets are sheleterless moving hither and thither and this year the marriage of the petitioner's sister was performed from relation house.

(iii) To grant any other relief/reliefs to which the petitioner may be found entitled to in the facts and circumstances of the case.”

Order dated 30th of March, 2022 stands complied with.

We are informed that now the Debt Recovery Tribunal is functional.

As such, as prayed for by the parties, petition stands disposed of reserving liberty to the petitioner to approach the Debt Recovery Tribunal within a period of four weeks from today, reviving the application already pending before the said Tribunal.

We direct that for the next four weeks, no coercive action shall be taken by the Bank against the petitioner. For further protection, it shall be open for the petitioner to move an appropriate application before the Tribunal.

The issue of handing over possession of the house of the petitioner is left open to be decided by the Tribunal for which the petitioner shall move an application.

We request the Tribunal to decide this issue at the



earliest.

We only hope and trust, considering the fact that petitioner has deposited ₹4 lacs by virtue of the orders passed by this Court, the application shall be decided expeditiously and in the affirmative.

Needful be positively done within a period of three months from the date of the presentation of the petition.

Learned counsel for the parties undertake to fully co-operate and not take any unnecessary adjournment in the matter.

The writ petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

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