

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7228 of 2021

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1. Daya Shankar Tiwary Son of Late Baidyanath Tiwary, resident of 303, Veena Palace Sheikhpura, P.S. Shastrinagar, District - Patna.
 2. Sanjay Kumar, Son of Late Laxmi Ray, resident of Village and P.O. - Imadpur, P.S. Bhagalpur, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Patna.
3. The Canara Bank, Exhibition Road Branch, through its Manager, Patna.
4. The Authorized Officer, Canara Bank, Exhibition Road Branch, Patna.
5. The Ashoka Auto Enterprises (P) Limited Exhibition Road, Patna through its Director, Mrs. Neelam Sahu, resident of 197-B, North Shri Krishnapuri, P.S. S.K. Puri, District - Patna.
6. Rajesh Kumar, Son of Late Shashi Ranjan Sahu, residing at 87 Jorbagh, Lodi Road, New Delhi.
7. Guddu Sahu, Son of not known, resident of 197-B, North Shri Krishnapuri, P.S. S.K. Puri, District - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Lalit Kishore, AG

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 04-01-2022

Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s :-



- i. For issuance of an appropriate writ/s, order/s, direction/s commanding the respondents to pay compensation to the petitioners for the harassment and torture alongwith amount of rent collected by respondent no. 5 & 6 during lease period, in collusion with officials of the bank.
- ii. For issuance of an appropriate writ/s, order/s, direction/s to the respondents to ensure the payment of rent amount out of lease of the property to the petitioners alongwith the interest @ 9% per annum.
- iii. For issuance of an appropriate writ/s, order/s, direction/s to the respondents to hold an inquiry that how after grant of status-quo by Hon'ble Court on the property in question where the petitioners took possession after auction made by respondent no. 3 & 4 and was in occupation of the property for which an FIR was also registered vide Kotwali P.S. Case No. 273/2016 on 10.06.2016.
- iv. To pass such other order/orders as your Lordships may deem fit and proper in the facts and circumstances of this case.



After the matter was heard for some time, finding the Bench not to be in favour of the submissions so made across the Bar, learned counsel for the petitioner prays for the petition to be disposed of in the following terms:

Petitioner, who is an auction purchaser, alleges the respondents to have worked in collusion with each other and benefited by huge amount towards realization of payment of interest which, according to the petitioner, ought to have been paid to the petitioner.

Finding the writ not to be maintainable, petitioner seeks permission to approach the appropriate authority seeking compensation in accordance with law.

Permission, as prayed for, is granted.

Petition is disposed with the liberty aforesaid.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/K.C.Jha

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