

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8795 of 2021

Rama Singh Wife of Sri Bhuwaneshwar Singh, resident of Mohalla-Senha, Police Station-Barhara, present Police Station-Krishnagarh, District-Bhojpur at Ara, at present residing at C/51, Indrapuri Colony, near Shakur Colony Maszid, Ram Nagari More, P.S.-Shastrinagar, District-Patna-800025.

... .. Petitioner/s

Versus

1. Regional Head, Regional Office, Union Bank of India, Nasheman Bhawan, 1st Floor, Mazhrul Haque Path (Frazer Road), Patna (from whom the Corporation Bank has been merged since 2020).
2. The Regional Manager, Regional Office, Corporation Bank (now converted in the Union Bank of India in 2020) Main Road Kankarbagh, (Near Nalanda Medical College and Hospital), P.S. Agamkuan, Patna.
3. The Branch Manager, Corporation Bank (now converted in the Union Bank of India in 2020), Malahi Pakri Chowk, Kankarbagh, Patna-800020, P.S. Patrakar Nagar, District-Patna.
4. The Chairman, Debts Recovery Tribunal, Patna, Bihar.
5. Sunil Kumar Singh, son of Sri Bhuwaneshwar Singh, resident of Sunilam Hospital Pvt. Ltd., Bhootnath Road, P.O.-T.V. Tower, B.H. Colony, P.S.-Agamkuan, District-Patna-800026.
6. Neelam Verma, Wife of Sunil Kumar Singh, resident of Sunilam Hospital Pvt. Ltd., Bhootnath Road, P.O.-T.V. Tower, B.H. Colony, P.S.-Agamkuan, District-Patna-800026.
7. Sanjay Kumar Singh, son of Sri Bhuwaneshwar Singh, resident of Mohalla-N/701, Chitragupta Nagar, near Munna Chowk, P.S.-Patrakarnagar, District-Patna-800020.
8. Manoj Kumar, son of Sri Bhuwaneshwar Singh, resident of Mohalla-C/51, Indrapuri Colony, near Shakur Colony Maszid, Ram Nagari More, P.S.-Shastrinagar, District-Patna-800025.
9. Sushant Kumar Singh, son of Sri Bhuwaneshwar Singh, resident of Mohalla-C/51, Indrapuri Colony, near Shakur Colony Maszid, Ram Nagari More, P.S.-Shastrinagar, District-Patna-800025.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Ajay Prasad, Advocate
Mr. Kaushal Kumar, Advocate
For the Respondent/s : Mr. Raj Shekhar, Advocate
Mr. Prashant Kumar, Advocate
Mr. Nihar Nandan Ambasta, Advocate

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

Date : 26-07-2022

Heard learned counsel for the parties.

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

“1(i) For quashing the rejection of the reply dated 03.03.2021 passed by Regional, Head, Regional Office, Nasheman Bhawan, First floor, Mazaharul Haque Path (Frazer Road), Patna whereas the representation of the petitioner has been rejected without consideration and without given an opportunity for hearing to the petitioner.

(ii) For issuance of a direction to the Respondent No.1 to consider the representation and pass an order in accordance with law with regard to return the sale deed which has been given a mortgage by the petitioner.

(iii) For grant of any other relief or reliefs to which the petitioner may be found entitled in the interest of justice.”

It is brought to our notice that subsequent to filing of the



instant writ petition, petitioner had already approached the Debt Recovery Tribunal, Patna

It is not in dispute that at this point in time, the Debt Recovery Tribunal, Patna is seized of the matter. We had passed the order granting interim protection at the time when the said Tribunal was not functional.

Learned counsel for the petitioner states that pursuant to the order passed by this Court, petitioner has already deposited the amount. Also, petitioner is ready and willing to repay the entire amount on mutually agreeable terms.

Well, all these issues can be raised before the Debt Recovery Tribunal, Patna.

As prayed for, we dispose of the present petition granting liberty to the petitioner to raise all the issues, subject matter of the present petition, before the appropriate forum, including Debt Recovery Tribunal, Patna.

Interim order of protection dated 15.12.2021 shall continue to remain in operation for a period of two weeks thereafter. It shall be open for the Tribunal to form its own opinion with regard to continuance of the interim protection.

The instant 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

AFR/NAFR	
CAV DATE	
Uploading Date	29.07.2022
Transmission Date	

