IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5666 of 2022

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1. M/s BHR Enterprises through its Partner Sri Mukesh Kumar, having its Principla Office at Ganga Bridge Road, Bajrangpuri, near Mahatma Gandhi Setu, P.S.- Alamganj, Patna - 800007.
2. Sri Mukesh Kumar S/o Late Maithur Raut, R/o Flat no. 402, B Block, Surya Chandra Vihar Apartment, Gola Road, Danapur, Post - Danapur, P.S.- Rupaspur, Patna - 801503.

... ... Petitioner/s

Versus

1. The Authorised Officer-cum-Assistant General Manager, State Bank of India, SARB, 2nd floor, Patna Main Branch Building, Gandhi Maidan (West), Patna - 800001.
2. The Chief Manager, State Bank of India, SME Dak Bungalow Road Branch, South Gandhi Maidan, Patna- 800001.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar, Advocate
Mr. Sachin Kumar, Advocate
Mr. Abhishek Kumar Pandey, Advocate
Mr. Aman Raj, Advocate

For the Respondent/s : Mr. Sanjiv Kumar, Advocate
Mr. Santosh Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-05-2022

Heard learned counsel for the parties.

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

A) For issuance of writ of certiorari to quash and cancel the Sale notice dated 11/02/2022(Annexure-A/3) against the invaluable property of the respondent whereby and where under property of the petitioner has been put for e-auction sale fixing 24.03.2022 as e-auction sale date and further also to quash and cancel Possession notice dated 27/01/2022(Annexure-A/2);

B) For issuance of writ of mandamus directing the respondent Bank not to proceed to confirm the sale took place on 24/03/2022 and also to direct the Bank to settle the Cash Credit loan A/c no.36050928589 under NPA Management SBI One Time Settlement Scheme, 2021(Annexure-A/4) as petitioner has already applied before the respondent Bank for settlement of his said loan account under the said scheme and even deposited 10% of the outstanding dues i.e.Rs.20Lacs on 15/03/2022 as upfront fees but despite that respondent Bank secretly and malafidely sold out the mortgaged property as mentioned in Schedule-I;

C) Further this Hon'ble Court may be pleased to allow this writ application by also directing the respondent bank to return all the securities against the CC loan account;

D) During pendency of the instant writ application this Hon'ble Court may restrain the respondent Bank from executing the sale certificate in favour of any successful bidderAnd/or

E) This Hon'ble Court may be pleased to pass such other order / orders, direction / directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

Learned counsel for the petitioner states that the petitioner's application is pending consideration before the Debt Recovery Tribunal, Patna and no order is being passed by the said authority.

If that were so, we request the Debt Recovery Tribunal, Patna to take up the petitioner's application(s) expeditiously and decide the same in accordance with law.

We clarify that we have not expressed any opinion on merits. All issues are left open.

Petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	20.05.2022
Transmission Date	