

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6126 of 2022

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A.B. Enterprises (Partner Sunil Singh) (Male), aged about 52 years, Son of Sri Balkrishan Singh, Resident of Village- Dalmiyanagar Dehri, District- Rohtas at Sasaram. Petitioner/s

Versus

1. The State of Bihar through D.M., Rohtas at Sasaram.
2. The Authorized Officer, PNB Zonal Office, R. Block, Patna.
3. The Authorized Officer, Punjab National Bank, Circle Officer, Aurangabad.
4. The Chief Manager, Punjab National Bank, Baheria Branch (Rohtas).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey, Advocate
For the Respondent/s : Ms. Anuradha Singh (Sc 21)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 17-05-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

1. That there is an application Article 226 of the Constitution of India for the issuance of appropriate writ seeking quashing of possession notice 11.12.2019 issued by respondent bank as contained in Annexure-1 under rule 9 of the SARFESI Act, 2002 without service of the notice while the petitioner was

ready to pay NPA Amount 1,77,000,00.00.
(95+82) lac approximately within six months after adjustment of deposit amount 27 lacs and all ready merged 3 fixed deposited each 15 + 15 + 5 lacs the entire aforesaid conduct is totally erroneous and without jurisdiction as such the applicant seek the intelligence of this Hon'ble court for the quashing of entire action taken by the respondent creditor Bank under securitisation and reconstruction of financial assets and enforcement of security interest act, 2002 (SARFAECI Act) for the purpose of open the locked and vacate the premises of the building campus which was taken by physical position by respondent bank dated on 07.04.22 with

Undisputedly, respondent Bank has initiated proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 which are pending consideration before the appropriate forum (DRT Patna). Notice for possession of the property mortgaged with the borrower stands issued by the Bank. This was on 11th of December, 2019. Even this notice is subject matter of the proceedings before the appropriate forum. In terms of the said notice, with the aid of the district administration, the possession of the mortgaged property stands taken over by the Bank.

In our considered view, all issues raised herein need to be raised by the petitioner herein before the appropriate forum in the proceedings already initiated by the respondent and / or other proceedings which the petitioner may be advised to initiate.

As such, the present petition is disposed of reserving liberty to the petitioner to initiate appropriate action in accordance with law. We are hopeful that as and when petitioner initiates such proceedings, the same may be considered and decided expeditiously and preferably within a period of three months thereafter.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/- Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.05.2022
Transmission Date	NA