

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6248 of 2022**

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Kusum Devi wife of Kameshwar Prasad, resident of Village- Shivpuri, Udan Tola, P.O. Anishabad, P.S. Gardanibagh, and District- Patna.

... .. Petitioner/s

Versus

1. The Union Bank of India through Chief General Manager Union Bank of India, the Acard Tower No. 4, Second Floor, World Trade Center, Kaffee, Parade Mumbai- 400005.
2. The Chairman, Union Bank of India, Plot no. B/2, Part B Cross Lane, MIDC Andheri East, Mumbai- 400069.
3. The Manager, Union Bank of India, Regional Office, Naraman Bhawan, First Floor, Mazaharul Haque Road, Patna- 800001.
4. The Branch Manager, Union Bank of India, Indira Bhawan Boring Canal Road Patna- 800001.
5. The RBI Ombudsman, Adhar Shila Complex Gandhi Maidan, Saleem Pur Ahara, Izra Diara, Patna- 800001.
6. General Manager (personal Banking and operation Department) Union Bank of India 12 the Floor, Central Office, Union Bank Bhawan 239 Vidhan Bhawan Marg, Mumbai- 400021.
7. Branch Manager Union of India (E.C.D) Boring Canal Road, Patna- 800020.
8. Recovery Officer Union Bank of India/ Debt Recovery Tribunal Patna.
9. The Branch Manager, Union Bank of India (E.C.B.) Boring Canal Road, Patna- 800020.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Md. Shahnawaz Ali, Advocate  |
| For the Respondent/s | : | Mr.Nishi Nath Ojha, Advocate |

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

**(Per: HONOURABLE THE CHIEF JUSTICE)**

2      17-05-2022      Petitioner has prayed for the following relief(s):

“(i) A writ, order and nature  
mandamus for a direction to the respondents no.  
4 not to auction the land and premises of



property of the petitioner measuring an area 10 dhur ground + 3 constructed buildings premises bearing survey plot no. 300 of Khata No. 223, Tauzi No. 5243, Thana No. 17 situated at Mauza Chitkohra, Survey Thana Phulwari sharif, Sub and Sadar registry Patna till disposal of S.A. No. 116 of 2021 as the above said property belongs to petitioner and she is ready to make payment of outstanding due of debt of the respondent bank, be issued.

(ii) A writ order and direction in the nature of certiorari to quash the entire auction taken in O.A. No. 1046 of 2018 whereby and where under a certificate of debt arising out of in O.A. Case No. 1046 of 2018 dated 09.07.2019 issued by Hon'ble Presiding Officer Debt Recovery Tribunal, Patna.

(iii) A direction to respondent no. 8 stay the proceeding initiated in R.P. Case No. 498 of 2019 and to stay the operation of the order dated 04.06.2021 regarding the present outstanding Balance notice of non-performing assets issued by Union Bank of India (E.C.B.) Boring Canal Road, Patna and to accept the demand draft in Six installment of the total amount of Rs.11,48,608.10/- for full and final payment she is ready to make payment of outstanding due of debt of the respondent bank, be issued.

(iv) For a direction to respondent Bank to release and unlock the house in favour of the petitioner as she is ready to make payment



of outstanding due to debt of the respondent bank, be issued.

(v) Any other writs/relief as the petitioner are entitled to.”

Learned counsel for the petitioner states that petitioner is ready and willing to have the matter amicably resolved with the respondent Bank. He also seeks stay of the auction notice issued by the respondent Bank whereby the mortgaged property is put to auction.

We notice that proceedings being S.A. No.116 of 2021 and recovery proceedings being R.P. Case No.498 of 2019 are pending consideration before the Debts Recovery Tribunal, Patna.

In our considered view, the issues raised herein are required to be adjudicated by a forum specially created for such purpose.

Undisputedly, at this point in time, both the Debts Recovery Tribunal, Patna as also the Debts Recovery Appellate Tribunal stipulated under the SARFAESI Act are fully functional.

As such, we dispose of the present petition, reserving liberty to the petitioner to immediately approach the D.R.T./D.R.A.T. venting out the grievances, subject-matter of



the present petition.

Needless to add, as and when any such proceedings are initiated, the same shall be adjudicated expeditiously.

We request the adjudicatory forum to decide the same at the earliest and preferably within a period of three months from the date of placing of a copy of the present order.

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

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

K.C.Jha/DKS

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