

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6464 of 2022

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M/s Triraj Cold Storage Private Limited through its the Director Rishi Raj Choudhary, aged about 45 Years, Gender-Male, Son of Sri Subodh Kumar Chaudahry, Resident of Mohalla-Tekari Road, P.S.-Kotwali, District-Gaya (Biihar) 823001

... .. Petitioner/s

Versus

1. Housing and Urban Development Corporation Ltd. also named as HUDCO through its Chairman-Cum-Managing Director, HUDCO Bhawan, Core-7A, India Habitat Enter, Lodhi Road, New Delhi-110003.
2. The Regional Manager, Housing and Urban Development Corporation Ltd, 2nd Floor, Block-B2, Mauryalok Complex, Dakbunglow Road, P.S.-Kotwali, Town and District-Patna-800001
3. The Deputy Manager (Law), Housing and Urban Development Corporation Ltd, 2nd Floor, Block-B2, Mauryalok Complex, Dakbunglow Road, P.S.-Kotwali, Town and District-Patna-800001
4. The Recovery Officer, Debt Recovery Tribunal, Patna, 2nd Floor, A, B and F Wing Karpuri Sadan, Rajiv Nagar, Nr. Rajiv Nagar Thana, Patna-800025.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Advocate Mr. Rishikesh, Advocate
For the Respondent/s	:	Mrs. Namrata Mishra, Advocate

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

(Per: HONOURABLE THE CHIEF JUSTICE)

3 20-05-2022 Petitioner has prayed for the following relief(s):-

“a) For the issuance of a writ/order/direction in the nature of the writ of Certiorari or any other appropriate writ/order/direction for the quashing of the order dated 23.03.2022 (Annexure-1) passed by Recovery Officer, D.R.T., Patna in Recovery Case No. 147 of 2013 whereby and



where under the Recovery Officer during the pendency of the review application which is pending in the court of Presiding Officer, D.R.T., Patna in review application No. 6/2015, and also during the pendency of the Writ Application CWJC 17763/2021 passed order for the auction of the mortgaged property of petitioner's company on 23/03/2022 and the next date for auction is being fixed on 25.05.2022.

(b) For the issuance of a writ/order/direction in the nature of the writ of Certiorari or any other appropriate writ/order/direction for the quashing the order dt. 09.08.2021 (Annexure-2) passed by Recovery Officer D.R.T. Patna in Recovery Case No. 147 of 2013, whereby and where under the learned Recovery Officer confirmed the auction sale of the mortgaged property of Subodh Kumar Chaudhary in auction sale which was held on 31.03.2021 under the light of order dated 12.02.2021.

c) For the issuance of a writ/order/direction in the nature of the writ of Certiorari or any other appropriate writ/order/direction for the compliance of the order dated 08.01.2014 (Annexure-4) passed by the learned Presiding Officer, D.R.T. Patna in M.A. Case No. 346/2013 whereby and where under the respondents did not comply the order of the learned Presiding Officer and in spite of the same, the learned Presiding Officer did not directed the respondents to supply the relevant



paper and documents on the proper time and as such the petitioners failed to file proper reply as a counter claim before the tribunal and as a result of which the claim of the respondents were allowed on 28.08.2013 in O.A. Case No. 158/2012.

d) For the issuance of the writ/order/direction to the Debt Recovery Tribunal, Patna to decide the matter relating to the order/direction passed by the Hon'ble Mr. Justice Ravi Ranjan on 19.04.2015 in C.W.J.C. No. 4038/2015 directed the petitioner to file the review application before the tribunal accordingly the same was filed but the Recovery officer ignored the order and direction of the Hon'ble Court's order Dated 10.04.2015 and passed order for auction and accordingly on 31.03.2021 the mortgaged property was illegally auctioned.

e) For the issuance of a writ/order/direction in the nature of the writ of Certiorari or any other appropriate writ/order/direction for the quashing the order dated 09.08.2021 issued by the Recovery Officer D.R.T. Patna in R.P. Case No. 147 of 2013 whereby and where under the learned Recovery Officer did not pay respect to the order/direction of this Hon'ble Court, which passed the order/direction in writ no. 4038/2015 for review of the matter and the learned Recovery Officer, D.R.T. Over passed the direction and confirmed the sale of mortgaged collateral property of Mr. Subodh Kumar



Choudhary.

f) Any other relief or reliefs for which the petitioner is entitled to be granted in favour of the petitioner.”

The petition is disposed of on the following mutually agreeable terms:

(a) The petitioner shall make himself available before the Debt Recovery Tribunal, Patna on 06.06.2022;

(b) We request the Tribunal to immediately take up the review petition filed by the petitioner and dispose it of expeditiously.

(c) Petitioner undertakes to fully cooperate and not to take even a single adjournment for, according to Mrs. Namrata Mishra, learned counsel for the respondent HUDCO, petitioner has been procrastinating the recovery proceedings, be it before one forum or another, for one reason or another;

(d) We clarify that if the petitioner were not to appear, it shall be open for the Tribunal to dispose of the application on its own merit;

(e) The auction, which is to be held on 25th of May, 2022, the process of auction may go on, but however, the sale will not be finalized without the leave of the D.R.T.



(f) It shall be equally open for the petitioner to participate in the open auction.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

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