

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6683 of 2022

Mukesh Kumar S/o Late Ram Chandra Prasad, R/o - Mohalla- Kumhrar, P.O.
- Bahadurpur Housing Colony, P.S. Agamkuan, District - Patna.

... .. Petitioner/s

Versus

1. Punjab National Bank through its Zonal Manager, Circle Office Patna, Chanakya Tower, R- Block, Patna.
2. Authorized Officer, Punjab National Bank, Circle Office Patna, Chanakya Tower, R-Block, Patna.
3. Circle Head, Punjab National Bank, Circle Office Patna, Chanakya Tower, R-Block, Patna.
4. Branch Manager, Punjab National Bank, Muradpur Branch, Khetan Market, Patna.
5. Additional Collector cum Nilam Patra Padadhikar cum Certificate Officer, Patna Sadar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shiv Pratap, Advocate

For the Respondent/s : Mr.Raghwendra Kumar (Sc22)
Mr. Kumar Priya Ranjan, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

**and
HONOURABLE MR. JUSTICE S. KUMAR**

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-06-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

I. For the issuance of appropriate writ or writs in the nature of mandamus directing the Respondents, particularly Respondent No.-3 to hand over the physical possession of the auctioned property situated at Mauza-Digha, Thana No.-1, Tauzi No.-5176, Khata No.-1109, Plot No.-2180, Area- 725 Sq Feet covered by sale deed no. 17386 dated 09.09.2009 as per the provisions enshrined under **Rule 9(9) of Security Interest (Enforcement) Rules, 2002** Rules of

Securitization and Financial Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act), 2002,

II. For issuance of direction upon the respondents to pay compensation for withholding the huge amount for more than three years without any fault on the part of the petitioner as during the said period, the petitioner has suffered mental agony as well as huge financial loss.

III. For any other relief/reliefs for which the petitioner is entitled for and for any other appropriate order/s deemed fit in the interest of justice.”

It is rather unfortunate that the respondent Bank has failed to pursue the matter ensuring handing over of physical possession of the property auction purchased by the petitioner, despite having made the payment, i.e., the auction amount.

On behalf of the Bank, it is argued that steps for taking over possession stands initiated by filing a petition before the Chief Judicial Magistrate. The same is registered as Miscellaneous Case No.1/2020, titled as Punjab National Bank Vs. Niraj Kumar and another and is pending consideration for more than two years.

In these circumstances, we direct the respondent Bank to immediately approach the concerned court seeking expeditious disposal of the application. We also request the concerned court to decide the same expeditiously in accordance with law and preferably within a period of one month.

Liberty reserved to the petitioner to claim compensation from the Bank for delayed possession, as also approach the court afresh on the same and subsequent cause of action.

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/- Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.06.2022
Transmission Date	NA