

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7658 of 2019

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Deepak Khandelwal Son of Late Ram Gopal Khandelwal, Resident of Dr. Wazir Ali Road, Dhamitola, Gaya-823001, Proprietor of M/S Khandelwal Brothers.

... .. Petitioner/s

Versus

1. The Chairman cum Managing Director Axis bank Bank Ltd., Registered Office-Trishul, 3rd Floor, Opposite-Samartheshwar Temple, Ellis Bridge, Near Law Garden, Ahmedabad-380006.
2. The Authorised Officer, Axis bank Bank Ltd., Stressed Assets-East, 1, Shakespeare Sarani, 4th Floor, A.C. Market Building, Kolkate-700071
3. The Authorised Officer, Axis Bank Ltd., Loan Center, 2nd Floor, Kamini Centre, Patliputra, Boring Road, Patna-800013.
4. The Authorised Officer, SME and MCMC, Axis Bank Ltd., Arya KUMar Road (Mahendra Narain Path), Rajendra Nagar, Patna-800016.
5. The Branch Officer, Axis Bank Ltd., gaya-823001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Mohan, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-10-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“For issuance of a writ in the nature of writ of Mandamus commanding to the respondents to grant permission to sell out the ancestral and joint family properties which has been mortgaged against the Cash Credit loan of the petitioner bearing A/c no. 916030052368841 of M/s Khandelwal Brothers to liquidate the dues outstanding of the respondent Bank and to forward a statement of loan accounts in details understandable to a lay man including valuation report of mortgaged assets and further for a direction/directions to the respondent Bank for restructuring/re-schedulement of petitioner’s loan in view of Circular dated 01.01 2019 issued by the Reserve Bank of India and for further order/orders, relief/reliefs in the facts and

circumstances of the cases the petitioner is entitled too.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to respondent no.3, namely, **The Authorised Officer, Axis Bank Ltd., Loan Center, 2nd Floor, Kamini Centre, Patliputra, Boring Road, Patna-800013** or any of the statutory authority to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order

preferably within a period of four months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(e) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(f) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(g) Liberty reserved to the petitioner to approach the appropriate forum, if the need so arises subsequently on the same and subsequent cause of action;

(h) We have not expressed any opinion on merits. All issues are left open;

(i) The proceedings, shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/Ishika

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