

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11847 of 2021

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Anita Devi, Wife of Arjun Rai Resident of Village- Kewta, P.S.- Dalsingh Sarai, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Personnel and Administration, Govt. of Bihar, Patna.
2. The District Magistrate, Samastipur, Distt- Samastipur, Bihar.
3. The Zonal Manager, Central Bank of India, 2nd Floor, Block B Maurya Lok, New Dak Bungalow, Patna- 800001.
4. The Chief Manager-cum-Authorized Officer, Central Bank of India, Samastipur.
5. The Branch Manager, Central Bank of India, Dalsing Sarai Branch, Dalsing Sarai, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Sinha, Advocate

For the Respondent/s : Mr.Manish Kumar, GP-4
Mr. Sunil Kumar No. III, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 12-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-



- (i) For issuance of a writ in the nature of Mandamus or any appropriate order direction to set aside the order dated 02.01.2021 passed in SARFAESI Case No.25/2021 by the learned District Magistrate, Samastipur, whereby and where under he has directed to Circle Officer, Dalsingh Sarai to assist the Secured Creditor Central Bank of India, Dalsingh sarai Branch in taking possession of the mortgaged property in question.
- (ii) For issuance of a writ in the nature of Mandamus or any other appropriate writ, order or direction to set aside the possession notice for immovable property dated 05.11.2019 issued by Authorized Officer, Dalsingh Sarai Branch Central Bank of India, Dalsingh sarai.
- (iii) For issuance of appropriate writ to stay the possession notice dated 05.11.2019.
- (iv) For issuance of appropriate writ in the nature of Mandamus directing and commanding the respondent to affording reasonable period of time and opportunity to the petitioner to discharge her liability in full.

It is the petitioner's contention that as against the



sum of Rs. 9 lacs (approx.) due in the year 2018, petitioner has already paid Rs. 5.6 lacs and the remaining amount, she is ready and willing to deposit in three equal installments.

To establish her bona fides, petitioner is ready and willing to deposit a sum of Rs. 50,000/- within a period of one week. Also, she would approach the respondent-Bank for waiver of the interest in terms of the Reserve Bank of India guidelines.

Let petitioner approach the respondent-Bank within the next one week making an offer also praying for waiver of the interest.

We are sure that considering the facts and circumstances of the case, the Bank would take a view which is just, fair and reasonable. Also, the Bank would favourably consider the possibility of waiving of interest in terms of Reserve Bank of India guidelines.

Undertaking of the petitioner to pay the amount is accepted and taken on record with the consequences of breach thereof having been explained to her through her learned counsel.

Petition stands disposed of in the aforesaid terms.



Liberty reserved to the petitioner to approach the court, should the need so arises subsequently.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	14.01.2022
Transmission Date	

