

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8229 of 2022

M/S Sikariwal Chawal Udyog through its Proprietor, Amindra Singh, Aged about 54 Years, Male, Son of Haridear Singh, Resident of Village-Bagarhi, P.O.-Bagarhi, P.S.-Ramgarh, District-Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The Pubjab National Bank through its Regional Manager, Regional Office, R-Block, Patna.
2. The Chief Manager-Cum-Authorized Officer, Punjab National Bank, 1st Floor, Mahuli Kothi, near Peer Baba More, Ara-802301.
3. The Branch Manager, Punjab National Bank, Circle Recovery Central, Gorsara, Ramgarh (Kaimur), Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. Kumar Priya Ranjan, Advocate
		Mr. Mohit Kant Sahay, Advocate
		Mr. Ankur Apurv Singh, Advocate

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

Date : 28-07-2022

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

1. That this writ petition is being filed on behalf of the petitioner for the following reliefs:-
 - i. For issuance of an appropriate writ/s, order/s, Direction/s for quashing

2



possession notice dated 07.09.2018 issued in purported exercise of power taking possession of immovable property as mentioned in notice dated 07.09.2018, given to the respondent bank under section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 read with the Security Interest (Enforcement) Rule, 2002 and proclamation of sale notice dated 04.08.2018.

- ii. For issuance of an appropriate writ/s, order/s, Direction/s to the respondent bank to settle the dispute with the petitioner under OTS so that the outstanding amount as per calculation of the petitioner may be paid in easy installment since he suffered business loss due to Pandemic Covid-19.
- iii. For issuance of an appropriate writ/s, order/s, Direction/s to respondents not to take any coercive action and put the immovable property taken in possession by bank on auction, till the lis is pending before Hon'ble Court or decided finally by the Hon'ble Court.
- iv. To pass such other order/orders as your Lordships may deem fit and proper in the facts and circumstances of this case.



After the mater was heard for some time, finding the Court not in favour of the submissions made by the learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that the petitioner shall be content if the petitioner is permitted to initiate appropriate proceedings before the appropriate forum or to take recourse to such other alternate remedies which are equally efficacious in law.

Prayer allowed.

We clarify that we have not adjudicated the dispute on merits. All questions of fact and law are left open to be agitated and adjudicated before the appropriate forum in accordance with law.

As and when such proceeding is initiated, the same shall be considered and decided expeditiously in accordance with law.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	30.07.2022
Transmission Date	

