

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8643 of 2022

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Pankaj Kumar Singh son of Shyam Narayan Singh, resident of East Ram Krishna Nagar, Village-Changar, Post Office-New Bypass Road, Police Station-Ram Krishna Nagar, New Jaganpura, District-Patna.

... .. Petitioner/s

Versus

The Chief Manager, Bank of India, Kankarbagh Branch Parmanandd Place, Panch Mandir Road, Kankarbatgh Colony, Patna-20.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Nishi Nath Ojha, Advocate
		Mr. Sanjay Singh Thakur, Advocate
		Mr. S.K.Sharma, Advocate

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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 is an application for issuance of an appropriate writ order or direction particularly in the nature of writ of mandamus directing the respondent Bank not to seize/repossess the truck of the petitioner through the Recovery agents/seizure Agent/Authorized person without any proper order of the court or Debts Recovery Tribunal in the light of order and judgment passed by the Hon'ble Patna



High Court in a case reported in (2020) 1 BLJR Page
96 Sujay Kumar Vs. UCO Bank, following the rulings
of Hon'ble Apex Court reported in (2008) 7 SCC Page
532 ICICI Bank Vs Shanti Devi Sharma and others.

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 the authority concerned to consider and decide the representation which the petitioner shall be filing for redressal of the grievance(s).

Learned counsel for the respondent 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 three 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 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 three 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) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) 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;

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

(g) We have not expressed any opinion on merits of the matter. All issues are left open;

(h) We expect that the appropriate authority shall consider and decide the petitioner's application/request



expeditiously and preferably within a period of three months from the date of its presentation.

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	30.07.2022
Transmission Date	

