

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18622 of 2018

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Smt. Sangeeta Devi, Wife of Sri Hari Prasad Singh, resident of Mohalla-
Pratap Nagar, P.O.- Mehsaul, District- Sitamarhi.

... .. Petitioner/s

Versus

1. Syndicate Bank, through its Field General Manager, Regional Office Law and Coaim Cell, Mourya Tower 2nd Floor, Maurya Lok, Dak Bunglow Road, Patna.
2. The Chief Manager (Authorised Officer) Syndicate Bank, Kamaldah Branch, District- Sitamarhi.
3. Branch Manager, Syndicate Bank, Kamaldah Branch, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kr Singh No.1, Advocate
For the Canara Bank : Mr. Sanjiv Kumar. Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

Date : 04-11-2022

The matter has been heard through video conferencing.

2. Heard Mr. Ajay Kumar Singh No. 1, learned counsel for the petitioner and Mr. Sanjiv Kumar, learned counsel for the Canara Bank.

3. The petitioner has moved the Court for the following reliefs:



“For issuance of an appropriate writ/writs, direction/ directions, order/orders setting aside the Ref. No. 7402/ROP/L&C/192/2018 dated 18.08.2018 issued by the Chief Manager, Syndicate Bank Kamaldah Branch, Sitamarhi by which notice has been issued to vacate the premises bearing Thana No. 316, Khata No. 1435, R.S. Plot No. 2205, area 0.09 decimal, situated at Mohalla-Pratap Nagar, P.O.- Mehsaul, District- Sitamarhi as the petitioner was borrowed loan and could not repaid, petitioner is bearing NPA account No. 75417740000050 of Syndicate Bank.

(B) For issuance of a writ in the nature of writ of mandamus directing the respondents to accept the dues amount in statement basis as the petitioner is ready to pay the same.

(C) Any other relief or reliefs as your Lordships may deem fit and proper.”

4. The Court on previous occasions had asked learned counsel for the petitioner to take instructions as to whether she was ready to pay the entire dues amount.

5. Learned counsel for the petitioner submitted that the petitioner would pay the remaining amount as per the demand raised in terms of the Public Demand Recovery proceeding i.e., the total amount being Rs. 9,56,445.21/- out of which the petitioner has already paid Rs. 5,00,000/-.

6. Learned counsel submitted that he is ready to pay the rest amount.

7. Learned counsel for the Canara Bank raises a preliminary objection and submits that the writ petition is not



maintainable as she has remedy under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 to move before the Debts Recovery Tribunal which she has not availed. Further, on merits it was submitted that by now the dues are more than twelve and a half lakhs after adjusting the five lakhs paid by the petitioner.

8. On a query of the Court as to whether the petitioner was willing to liquidate the amount with some rescheduling, learned counsel for the petitioner submits that it would not be possible to pay the amount demanded.

9. Having considered the matter, the Court does not find any ground to interfere.

10. Accordingly, the writ petition stands dismissed leaving it open to the petitioner to avail the remedy in accordance with law.

11. After the order was passed, learned counsel for the petitioner submitted that the accounting has not been made properly.

12. Having regard to the aforesaid, the Court would only observe that it shall be open to the petitioner to move before the competent officer(s) of the Canara Bank with a representation showing the calculation and pointing out the error in the same. If



the same is done, the Court expects that the concerned Officer of the Canara Bank would look into the matter and verify from the records and if there is any error, rectification of the same shall be made and communicated to the petitioner.

(Ahsanuddin Amanullah, J)

(Sunil Dutta Mishra, J)

Anand Kr.

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