

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10106 of 2022

Hira Devi D/o Ram Prasad Sah R/o- 10, Pitambar Sarkar Lane, Khiddirpore, Kolkata, West Bengal. Presently at- W/o Laxmi Narayan Prasad, Baripath, Dariyapur, Opposite Rajdhani Market, Main Gate, P.S.- Pirbahore, Patna.

... .. Petitioner/s

Versus

1. Punjab National Bank through its Zonal Manager, Circle Office Patna, Chanakya Tower, R-Block, Patna.
2. Authorised Officer, Punjab National Bank, Circle Sastra Patna North, R-Block, Patna.
3. Circle Head, Punjab National Bank, Circle Office, Patna North, Chanakya Tower, R-Block, Patna.
4. Branch Manager, East Gandhi Maidan Branch Punjab National Bank, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shiv Pratap, Advocate
For the Respondent/s	:	Mr. Mritunjay Kumar, Advocate
		Mr. Suresh Pd. Singh No.1, Advocate
For the Bank	:	Ms. Kumari Rashmi, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-08-2022

Heard learned counsel for the parties.

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

I. For the issuance of appropriate writ or writs in the nature of mandamus directing the Respondents, particularly Respondent No.-2 to hand over the physical and vacant possession of the auctioned property situated at Mauza-Mainpura, Mohalla-Shivpuri Tauzi No.-5239, Khata No.-494, Plot No.-1451, Jamabandi No.-15087, Area- 1 Katha covered by



sale deed no. 26286 dated 03.10.2012 as per the provisions enshrined under **Rule 9(9) of Security Interest (Enforcement) Rules, 2002** Rules of Securitization and Financial Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act), 2002,

II. For issuance of direction upon the respondents to pay compensation for withholding the huge amount for **since 29.07.2019** without any fault on the part of the petitioner as during the said period, the petitioner has suffered mental agony as well as huge financial loss

III. For any other relief/reliefs for which the petitioner is entitled for and for any other appropriate order/s deemed fit in the interest of justice.

Petitioner is a *bona fide* purchaser of a property sold vide and in terms of the action taken by the creditor in terms of the Securitization and Financial Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and the rules framed thereunder. Sale Certificate issued on 06.08.2019 with the petitioner having deposited a sum of Rs. 30,10,000/-.

It is a matter of record that till date possession of the property has not been handed over to the petitioner, nor has the respondent Bank returned the amount. The action of putting the property on auction has not been set aside by any



Court/authority nor has the Sale Certificate been cancelled till date.

In this view of the matter, we observe that inaction on the part of the respondent Bank can definitely be said to be agonizing and traumatic, if not causing pecuniary loss to the petitioner.

Be that as it may, at this stage, learned counsel for the respondent states that on 23rd of June, 2022 the respondent Punjab National Bank has already approached the District Magistrate, Patna requesting him to render all assistance for taking over and handing over of possession of the auctioned property to the respondent Bank/petitioner.

We only hope and expect that needful shall be done positively within a period of four weeks from today.

Liberty reserved to the petitioner to approach the Court, should the need so arise subsequently on the same and subsequent cause of action.

The instant petition stands disposed of in the aforesaid terms.

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

Learned counsel for the respondent Bank undertake to



communicate the order to the authority concerned by tomorrow.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	11.08.2022
Transmission Date	

