IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10548 of 2022

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Sri Ganesh Prasad S/o Jagarnath Prasad, R/o - Mouna Mohalla, Chapara, P.O.-Chapra, P.S.-Chapra, Saran, BIhar-841301.

... ... Petitioner/s

Versus

1. The Authorized Officer, Central Bank of India, Bhagwan Bazar Branch, Hathua Market, Chappra, Pin code-841301.
2. The Regional Manager, Central Bank of India, Regional Office, Siwan Near Head Post Office, Siwan, Pin Code-841226.
3. The Branch Manager, Central Bank of India, Bhagwan Bazar Branch, Hathua Market, Chappra, Pin code-841301.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr.Neeraj Kumar, Advocate
For the Respondent/s : Mr. Rajnandan Prasad, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 11-08-2022 Petitioner has prayed for the following relief(s):

> "i. For issuance of writ of certiorari to quash and cancel the Demand notice dated 19.05.2022 issued U/s. 13(2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as SARFAESI Act, 2002) whereby and where under the Petitioner has been directed to pay a total amount of Rs.68,33,714/- due as on 19.05.2022 within a period of 60 days from the date of receipt of said demand notice failing which an action to take possession of the secured assets and e-auction

sale of the said secured assets subsequently has been informed to be taken by the respondent bank;

ii. For issuance of writ of mandamus directing the respondent Bank not to proceed for issuance of possession notice u/s 13(4) of the SARFAESI Act, 2002 and e-auction sale notice under Rule 8(6) Security Interest (Enforcement) Rules, 2002;

iii. For issuance of a direction in the nature of mandamus to Respondents for reconciliation of loan Account bearing No 1509247172 for which the Petitioner has stood surety as despite of the payment of amount over and above the loan amount arbitrarily, whimsically and in a callous manner purported outstanding amount has been imposed mechanically in order to harass an old aged, ailing Petitioner. However, the facts remains that huge amount of borrower would be upon the Bank.

iv. During pendency of the instant writ application this Hon'ble Court may restrain the respondent Bank from proceeding further subsequent to Section 13(2) demand notice dated 19.05.2022; and

v. This Hon'ble Court may be pleased to pass such other Order / orders, direction / directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

Shri Rajnandan Prasad, learned counsel for the respondents, states that the petitioner's request, pending consideration, shall be considered in accordance with law within a period of four weeks from today.

Statement accepted and taken on record.

In this view of the matter, we dispose of the present petition, leaving the issue of maintainability open.

As and when any such request is made by the petitioner before the Tribunal, the same shall be considered and decided expeditiously.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

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