

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15683 of 2021

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Vikash Kumar, Son of Ashok Singh, Resident of Jahan Bigha, Bagdaha, P.S.-
Gaya, District- Gaya, Pin Code- 823004.

... .. Petitioner/s

Versus

1. Bank of Baroda through its Chairman, Corporate Centre, Plot No. C- 26,
Block- G, Bandra Kurla Complex, Bandra (East), Mumbai, Pin Code-
400051.
2. Regional Manager, Bank of Baroda, 5th Floor, Anand Vihar, West Boring
Canal Road, Patna, Pin Code- 800001.
3. Branch Manager, Bank of Baroda, Rathore Bahwan, Swarajpuri Road,
Maroofganj, Gaya, Pin Code- 823001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Advocate
For the Respondent/s : Mr.

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

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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**(The proceedings of the Court are being conducted by
Hon'ble the Chief Justice/ Hon'ble Judges through
Video Conferencing from their residential
offices/residences. Also, the Advocates and the Staffs
joined the proceedings through Video Conferencing
from their residences/offices.)**

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Date : 20-01-2022



The petitioner has prayed for the following relief/s :-

- (i) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities in Bank of Baroda (hereinafter referred to as "the Bank") to take steps towards returning the amount of Rs.19,31,300/- to the petitioner that has been deposited by him towards EMD and 25% of the bidding amount pursuant to e-auction conducted by the Bank in relation to the immovable property situated at Mauja Bodhgaya, Tola Baiju Bigha, P.S.-Bodhgaya, P.S. No. 359, Tauji-Samilat Anchal Bodhgaya, Distt-Gaya, Khata No. 778 (N)/246 (O), Plot No.- 118 (N)/82 (O), Sale Deed No. 11006 in the name of Akhauri Nishant, S/o Akhauri Gopal;
- (ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the Bank to take steps towards making payment of penal interest over and above the amount of money as may be found to be liable to be returned to the petitioner;
- (iii) Issuance of a declaration holding that the petitioner is entitled for return of the amount of Rs. 19,31,000/- deposited by him in furtherance of e-auction in relation to the aforesaid piece of land as the land, in question does not exist and furthermore, the petitioner is also entitled for award of exemplary damages in addition to the penal interest in accordance with law;
- (iv) Any other relief that the petitioner may be found to be entitled to in the facts and circumstances of the present case.

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 within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents 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 within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The said authority 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 appropriate forum, if the need so arises subsequently on the same and subsequent cause of action;

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

(h) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;



The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	21.01.2022
Transmission Date	

