

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13066 of 2019

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Barun Kumar S/o Late Shiv Kumar Singh, Shiv Medical, Near Ishwari Hospital, Ward No. 30, Gachi Tola, Begusarai-851101

... .. Petitioner/s

Versus

1. The State Bank of India through Authorized Officer, Begusarai Branch (0032), Near Palika Market, Begusarai-851101
2. The Regional Manager 2nd Floor, G.S. Motors Building, Harhar Mahadev Chok, Begusarai-851101, State- Bihar
3. The Chief General Manager State Bank of India, Patna Circle, Circle Office, West Gandhi Maidan, Patna-800001
4. The Managing Director -cum- Chairman State Bank of India, Madame Cama Road, State Bank Bhavan Nariman Point, Mumbai, Maharashtra-400021

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Nitu Kumari, Advocate
For the Respondent/s : Mr.Kaushlendra Kumar Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(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.)

Date : 02-12-2022

Petitioner has prayed for following relief (s) : -

“That this is an application praying for issuance of an appropriate Writ/ Order or Direction in the nature of a Writ of Mandamus or any other appropriate Writ/ Order or direction, commanding the Respondents to perform their statutory obligation by delivery peaceful possession of the immovable property auctioned to the petitioner, confirmed by issuance of sale certificate dated



15.09.2016 followed by execution of the Registered Transfer Deed in favour of the petitioner in compliance of the terms of auction, Rule 9(9) of the Security Interest (Enforcement) Rules, 2002 and Section 54 of the Transfer of Property Act, 1882.”

Learned counsel for the petitioner, under instructions, states that petitioner shall be content if direction is issued to respondent No. 1, namely The State Bank of India through its Authorised Officer, Regional Business Office, Begusarai to immediately take appropriate action in terms of the petitioner’s request dated 13th of August, 2018 (page-11) and afford opportunity to the petitioner to initiate appropriate proceedings afresh, including filing application before this Court, should the need so arise subsequently.

Accepting this prayer of the petitioner, we only notice that petitioner is an auction-purchaser has not only paid the entire amount in terms of the auction, but also has a sale certificate issued in his favour. However, the possession of the property has not yet been handed over to him despite deposit of more than Rs.19,00,000/- and, that too, way back in the year 2013.

Under these circumstances, we dispose of the present petition with further direction to respondent No. 1, namely The State Bank of India through its Authorised Officer,



Regional Business Office, Begusarai to take action in accordance with law at the earliest ensuring handing over possession of the property to the petitioner. Should there be any need to seek assistance of the District Administration, it shall be open for the officer to take action in that regard. We hope the District Administration, including District Magistrate and Superintendent of Police, shall fully assist in such process. We hope that entire action would be completed within a period of three months thereafter.

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/chn

AFR/NAFR	
CAV DATE	
Uploading Date	06.12.2022
Transmission Date	

