

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17194 of 2021

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1. Sanjay Kumar @ Sanjay Kumar Gupta, Son of Late Radhey Lal Sah, resident of Village-Gaupur, Bara, Police Station-Uhiyarpur, District-Samastipur.
 2. Shankar Prasad Gupta, son of Late Radhey Lal Sah, resident of Village-Gaupur, Bara, Police Station-Uhiyarpur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Circle Officer, Ujiyarpur.
4. M/s Siddhi Udyog, At-H. No. -79, Bahadurpur Professor Colony, Hasanpur, District-Samastipur.
5. Veena Rani, Wife of Akhileshwar Prasad Singh, Resident of House No. -79, Bahadurpur Professor Colony, Hasanpur, District-Samastipur.
6. The Bank of Baroda through its Regional Manager, Muzaffarpur-Area-II, Tilak Maidan Road, Muzaffarpur, Bihar-842001.
7. The Branch Manager, Bank of Baroda, Samastipur Branch, Mahwari Bazar, Samastipur-848101.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Anirudh Kumar Sinha, Advocate Mr. Santosh Kumar, Advocate
For the Respondent/s	:	Mr.Rishi Raj Sinha, SC 19 Mr. Vivek Prasad, Advocate Mr. Manish Kishore, Advocate.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

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 : 22-01-2022

Heard learned counsel for the parties.



2. Petitioners have prayed for the following relief(s):-

- (i) For issuance of writ of certiorari for quashing the order dated 28.05.2021 passed in SARFAESI Case No. 401/2021 passed by District Magistrate, Samastipur whereby the District Magistrate, Samastipur ordered for the attachment of property of the petitioners ex-parte.
- (ii) For the other reliefs for which petitioner is found entitle in the facts & circumstances of the case.

3. After the matter was heard for some time, finding the Bench not to be agreeable with the submissions made by learned counsel for the petitioners, learned counsel for the petitioners, under instructions, states that petitioners shall be content if a direction is issued to the Respondent No. 6, namely, The Bank of Baroda through its Regional Manager, Muzaffarpur-Area-II, Tilak Maidan Road, Muzaffarpur, Bihar-842001 to consider and decide the representation which the petitioners shall be filing for redressal of the grievance(s).

4. Learned counsel for the respondents states that



if such a representation is filed by the petitioners, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four weeks from the date of its filing along with a copy of this order.

5. Statement accepted and taken on record.

6. As such, petition stands disposed of in the following terms:-

(a) Petitioners shall approach the Respondent No. 6, namely, The Bank of Baroda through its Regional Manager, Muzaffarpur-Area-II, Tilak Maidan Road, Muzaffarpur, Bihar-842001 on 24.01.2022 at 10:30 A.M. for amicable settled by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four weeks from the date of its filing along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioners;

(d) Needless to add, while considering such representation, principles of natural justice shall be



followed and due opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(f) Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioners 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;

(h) Liberty reserved to the petitioners to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

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

(j) 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;



7. The petition stands disposed of in the
aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	23.01.2022
Transmission Date	

