

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12936 of 2022

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Vivek Kumar @ Vivek Kumar Jaiswal son of Shri Prem Chandra Jaiswal,
resident of Mahavir Asthan, Pratapatti, Police Station - Sahebganj, District-
Muzaffarpur.

... .. Petitioner/s

Versus

1. Bank of Baroda through the Authorized Officer and Chief Manager,
Rambagh Branch, Muzaffarpur.
2. The Authorized Officer and Chief Manager, Rambagh Branch, Muzaffarpur.
3. The Branch Manager, Bank of Baroda Ehiyapur Branch, Sahebganj, District
- Muzaffarpur.
4. The S.D.J.M-cum-Secretary, District legal Service Authority, Civil Court
Campus, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suresh Mishra, Advocate
For the Respondent/s : Mr. Nishi Nath Ojha, Advocate

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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 : 14-10-2022

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

1 That this application is being filed for
issuance of an appropriate writ/writs, order/orders
or direction/directions for setting aside the notices
under Sub Section (2) of the Section 13 of the
SARFAESI Act, 2002 dated 17.06.2022 (as contained
in Annexure-6 & 7 of this petition) issued by the



Authorized Officer and Chief Manager (Respondent No.2) to the petitioner and his guarantor namely Mr Prem Chandra Jaiswal with regard to credit facility provided to the petitioner whereby the petitioner has been asked to pay in full and discharge his liability to the Bank aggregating Rs. 3,02,882/- (Rupees three lakhs two thousand eight hundred and eighty two only) together with unapplied interest from 24.07.2015 plus interest reversed (if any) plus other costs as stated in Para 1 of the said notice within 60 days from the date of this notice and further to command the respondent to accept Rs. 1 lakh (Rupees one lakh only) out of total of Rs. 1,05,000/- (Rupees one Lakh & five thousand) as compromised amount settled by the Branch Manager, Bank of Baroda Ehiyapur Branch, Sahebganj, Muzaffarpur (Respondent No. 3) on 11.12.2021 before National Lok Adalat at District Legal Service Authority, Muzaffarpur with regard to balance loan amount of Rs. 3,02,882 (Rupees three lakhs two thousand eight hundred eighty two) against the petitioner and grant other relief/reliefs as deem fit by this Hon'ble Court.

After the matter was heard for some time, finding the Bench not to be agreeable with the submissions made by learned counsel for the petitioner, 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 (respondent No. 4) shall consider and dispose it of expeditiously and preferably within a period of four 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 on the following terms:-

- (a) Petitioner shall approach the authority concerned i.e. Respondent No.4, namely The S.D.J.M.-cum-Secretary, District Legal Service Authority, Civil Court Campus, Muzaffarpur within a period of four weeks from today 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 months from the date of its filing along with a copy of this



order;

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

(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 petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) 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;

(h) Liberty reserved to the petitioner 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;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	18.10.2022
Transmission Date	

