

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19435 of 2021

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Santosh Kumar Pankaj Son of Late Baldeo Singh Grandson of Late Ramchandra Singh, Resident of Village - Behharia, Post Office and Police Station- Tekari, District- Gaya.

... .. Petitioner/s

Versus

1. Bihar State Financial Corporation Fraser Road, Patna through the Chairman cum Managing Director.
2. The Chairman cum Managing Director, Bihar State Financial Corporation, Fraser Road, Patna.
3. The Assistant General Manager (Disbursement), Bihar State Financial Corporation, Fraser Road, Patna.
4. The Deputy Manager in Charge (Zone II), Bihar State Financial Corporation, Fraser Road, Patna.
5. The Branch Manager, Bank of Baroda, Branch- Tekari, Gaya.
6. Sri Sidheshwar Yadav Son of Chhotu Yadav Resident of Village - Bhalua, Post Office - Erkey, District- Gaya. (Promoter).
7. Sri Mithilesh Kumar Resident of Mohalla - Karsilla, Police Station- Civil Line Gaya, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanket, Advocate Mr. Chandan Kumar, Advocate Mr. Venkatesh Kirti, Advocate
For the Respondent/s	:	Mr. Nikhil Kumar Agrawal, Advocate

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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 : 01-02-2022



Heard learned counsel for the parties.

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

(i) For issuance a writ in the nature of 'Mandamus, directing respondent authorities to allow the Petitioner to deposit the Rs. Forty Lakhs as one time settlement of the loan amount and release the mortgage land in favour of the Petitioner, in light of the fact that auction purchaser has failed to deposit the entire auction amount of Rs. 110.00 Lakhs and has only deposited Rs. 31.00 Lakhs only till date (Annexure-P/7) but has demolished the building of the Petitioner over the mortgaged land.

(ii) For issuance a writ in the nature of 'Mandamus' directing respondent authorities to restrain the Respondent No. 7 from demolishing the house of the Petitioner, till he pays the entire auction amount of Rs. 110.00 Lakhs.

(iii) Any other writ, order or direction to which the petitioner is found fit and entitled in the facts and circumstances of the case and in the interests of justice.

Learned counsel for the petitioner states that petitioner is ready and willing to settle the matter with Respondent No. 1, namely Bihar State Financial Corporation, Fraser Road, Patna through the Chairman cum Managing Director, for which purpose he may be permitted to approach the said respondent giving an offer for One Time Settlement.

Learned counsel appearing for the respondent Bihar



State Financial Corporation has no objection to the same.

As such, without adjudicating the petition on merits, leaving all questions of fact and law open, we dispose of the present petition, as prayed for by the petitioner, reserving liberty to him to approach Respondent No. 1, namely Bihar State Financial Corporation, Fraser Road, Patna through the Chairman cum Managing Director giving an offer of One Time Settlement.

As and when any such request is received, the same be considered and decided in accordance with law, expeditiously and preferably within a period of three months thereafter.

We clarify that we have not expressed any opinion on the merits of the matter and have only disposed it of on the prayer made on behalf of learned counsel for the petitioner.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	02.02.2022
Transmission Date	

