

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19835 of 2021

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Vijay Prasad Varma Son of Late Panna Lal Resident of Village / Mohalla -
Baulipar, Magalkuan, Police Station - Sohsarai, District- Nalanda.

... .. Petitioner/s

Versus

1. The Union of India through the M.D. (Managing Director) Punjab National Bank. A Financial Service Bank, Owned by the Government of India, H.O., New Delhi.
2. The Zonal Manager, Punjab National Bank, Zonal Office, R- Block, 2nd Floor, Veerchand Patel Path, Patna - 800001, Bihar.
3. The Authorized Officer - cum- Chief Manager (Recovery Section), P.N.B., Circle Office, Ramchandrapur, Biarsarif, District- Nalanda.
4. The Branch Manager, Punjab National Bank, Sohsarai Branch, District- Nalanda, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Md. Mokhtar Ansari, Advocate
For the Union of India	:	Mr.Dr. K.N. Singh, ASG
For the Bank	:	Mr. Kumar Priya Ranjan, Advocate
		Mr. Girish Nandan Abhishek, Advocate
		Mr. Pallav, Advocate

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 24-02-2022 Petitioner has prayed for the following relief(s):

“For issuance of writ in the nature of writ of certiorari, mandamus or any other appropriate writ or writs, order or direction commanding the respondents by quashing the constructive notice dated 10.12.2020 (Annexure-3) and constructive notice through newspaper dated 14.10.2019 (Annexure-2) by which



the respondent no. 4 and respondent no. 3 has illegally intended to put the valuable security of residential land property worth Rs.About eleven lacs (11,00,000/-) on auction sale in through away price to cause huge financial insurgency in the family against the outstanding loan amount of about 5,00,000/- (5 lacs) left upon the petitioner to pay inspite of the petitioner undertakes to repay the entire amount left unpaid by the end of April 2022 and respondent by further directed to grant a grace of time till the end of April due to “Covid-19” has become a serious challenge in the society at the present.”

It is stated that the Debt Recovery Tribunal, Patna is not functional for want of appointment of its Presiding Officer. It is under this circumstance that we are entertaining this petition.

Learned counsel for the petitioner states that the petitioner is ready and willing for one time settlement of the dispute by approaching the respondents with a proposal to fix the modalities for repayment of the rest mutually agreed amount in equal monthly installments, spread over a period of six months and/or waiver of the component of interest in terms of



the guidelines issued by the Bank as well as by the Reserve Bank of India.

To establish his bona fides, petitioner is ready and willing to deposit a sum of Rs. 1 Lakh within a period of one week.

Statement accepted and taken on record.

Shri Kumar Priya Ranjan, learned counsel for the Bank, states that the property stands auction-sold, but possession not handed over.

In view of the statement made by the petitioner as also learned counsel for the Bank, the petitioner is directed to approach Respondent No.3, namely The Authorized Officer-cum-Chief Manager (Recovery Section), P.N.B. Circle Office, Ramchandrapur, Biharsharif, District- Nalanda, within two weeks by filing a proper application, after depositing Rs. 1 Lakh within a period of one week, with a proposal to fix the modalities for repayment of the rest of the mutually agreed amount in equal monthly installments, spread over a period of six months and/or waiver of the component of interest in terms of the R.B.I. Guidelines and on principles of parity. Petitioner shall also bear the charges for conducting the auction. The concerned bank authorities are directed to consider and decide



the same within next two months.

Needless to add, while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Possession of the property, which stands auction-sold, shall not be handed over till such time the decision is taken on the proposal of the petitioner. Also no coercive action shall be taken pending consideration of proposal.

If the petitioner does not deposit the sum of Rs.1 Lakh in the manner indicated above within the time stipulated, and commits breach of the undertaking, respondents shall be at liberty to hand over possession of the property, which already stands auction-sold.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

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.

Petition is disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

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