

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14617 of 2022

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Mukesh Kumar S/o Late Ram Chandra Prasad R/o- Mohalla- Kumhrar, P.O.-
Bahadurpur Housing Colony, P.S.- Agamkuan, District- Patna.

... .. Petitioner/s

Versus

1. Punjab National Bank through its Zonal Manager Circle office Patna, Chanakya Tower, R- Block, Patna.
2. Authorized Officer, Punjab National Bank, Circle office Patna, Chanakya Tower, R- Block, Patna.
3. Circle Head, Punjab National Bank, Circle office Patna, Chanakya Tower, R- Block, Patna.
4. Chief Judicial Magistrate, (C.J.M.) Patna Sadar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiv Pratap, Advocate
For the Respondent/s : Mr. Mritunjay Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 01-11-2022 Heard learned counsel for the parties.

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

1) For the issuance of appropriate writ or writs in the nature of certiorari setting aside the order dated 02.08.2022 passed by Chief Judicial Magistrate (C.J.M.) Patna in Criminal Misc. Case No. 01/2020, whereby Ld. Chief Judicial Magistrate has committed jurisdictional error by rejecting application filed by Respondent Bank u/s **14 of Securitization and Financial Reconstruction of Financial Assets and Enforcement of Security Interest Act**



(SARFAESI Act), 2002,

II) For the issuance of appropriate writ/direction in the nature of Mandamus directing the Respondent -1 to comply the order dated 20.06.2022 passed by this this Hon'ble Court in CWJC No. 6683/2022 whereby the Respondent Bank was directed to hand over to the petitioner physical possession of the auctioned property situated at Mauza-Digha, Thana No.-1, Tauzi No.-5176, Khata No.-1109, Plot No.-2180, Area- 725 Sq Feet

III) For issuance of direction upon the Respondent Bank to pay compensation 15% compound interest for withholding Rs. 33,70, 000/- for more than three years without any fault on the part of the petitioner as during the said period, the petitioner has suffered mental agony as well as huge financial loss

IV) For issuance of direction upon the Respondent bank to pay compensation @ 15% compound interest for the expenses incurred by the petitioner in getting the said auctioned property registered at Registry Office, Patna Sadar.

V) For any other relief/reliefs for which the petitioner is entitled for and for any other appropriate order/s deemed fit in the interest of justice.”

Petitioner seeks liberty to approach the respondents inviting attention of the order dated 20.6.2022 passed by this



Court in CWJC No. 6683 of 2022 titled as Mukesh Kumar Vs. Punjab National Bank and others. He further states that the petitioner shall pursue the matter with the respondent Bank.

Liberty as prayed for is granted.

Hopefully, the respondent Bank shall comply with the order and take appropriate action on the petitioner's request.

Petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Spd/-

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