

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20302 of 2021

Manoj Kumar Kawat @ Manoj Kumar Kewat @ Manoj Kumar Kamat S/o
Lakhan Kewat, Prop. Annu Poultry, R/o Gopitola, P.O.-Jahangira, at Present
Ward no. 08, P.O. and P.S.-Jehangira, Dist-Khagaria (Bihar).

... .. Petitioner/s

Versus

1. The Union Bank of India through its Branch Manager, Mill Road, Khagaria.
Dist-Khagaria, Bihar.
2. The Authorised Officer, Union Bank of India For Khagaria Branch, Regional
Office, Bhagalpur, 1st Floor, Gayatri Complex, Opposite Head Post office
MG Road Bhagalpur, Bihar.
3. The Regional Manager, Union Bank of India Panchwati, Complex,
Mohanpur Road, Samastipur (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Uma Shankar Sharma, Advocate Mr. Gautam, Advocate Mr. Shiw Kumar Prabhakar, Advocate
For the Respondent/s	:	Mr.Nishi Nath Ojha, Advocate Mr. Umapati Jha, Advocate

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

(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.)

4 16-02-2022 Petitioner has prayed for following relief(s) : -

“(i) To set aside notice dated
06.11.2021, please Bhagalpur issued under the
signature of the Authorized Officer for Union
Bank of India, Khagaria Branch. Regional
Office- Bhagalpur, Notice of 30 days for sale of
the property in question under Rule 8(6)/Rule
9(1) of the Security Interest Enforcement Rules,



2002, contained in Annexure-7/1 of this writ petition.

(ii) To set aside sale Notice for the sale of immovable property of the petitioner as published and mentioned in the Daily "Hindustan" Hindi Bhagalpur Edition, dated. 01.08.2021 published by the Union Bank of India, Regional Office Bhagalpur, 1st floor, Gayatri Complex OPP. Head Post Office, M.G. Road Bhagalpur-812001 (Bihar) as contained in Annexure-7 to this writ petition and consequently.

(iii) To set aside possession Notice (for immovable property) [Rule 8 (1)] dated 23.12.2020 issued under the signature of the Authorized Officer Union Bank of India for Khagaria Branch issued by the Regional office Bhagalpur 1st Floor Gayatri Complex, Opp. Head Office, M.G. Road, Bhagalpur, Bihar contained in Annexure-6 of this writ petition and served upon the petitioner with respect to the Residential Land and Building belonging to Smt. Suma Devi situated at Mauza- Shobhani Tola, Thana no. 250, Khata no. 81, 147, 103, 90 Khesra no. 440 436, 434 439 District Khagaria, Bihar Area measuring 01 Bigha, 14 Kattha, 01 Dhur 10 dhurki and having boundary North-Sri Parmanand Yadav, South- Niz, East-Raj Kishore Singh, West- Road to realize Rs. 11,04,544. 68 (Rupees Eleven Lakhs four thousand, five hundred forty four and sixty six paisa).

(iv) To set aside the Notice dated, 24.06.2020, issued under the signature of the Authorised Officer (S.P. Sabar) for Union Bank of India, Regional Office, Samastipur, Panchawati Complex Mohanpur Road, Samastipur (Bihar) bearing Ref. No. RO:SAM: Card:1112 to take possession of the Assets of the Petitioner bearing Land details as Mauza- Sobhani, Thana No. 250, Khata no. 81, 147, 103, 22, 90; Khesra No. 440, 436, 436, 439, Area; 01 Bigha, 10 Katthaa, 01 Dhur 10 Dhurkis; Boundries; North-Sri Permanand Yadav, South Niz, West Raj Kisore Prasad Singh, East Road, Title Deed No.6149, Dated 26.09.1981, Title deed no.



2939, dated 9.6.1980 and Title Deed No. 2941, dated 6.6.1980 contained in Annexure-4 to this writ petition.

(v) To set aside the Enforcement of Security Action Notice dated 13.02.2020 issued by the Union Bank of India, Regional Office, Samastipur, 848101, bearing Reg. No. RO SAM: CRD: 0387:2019-20 (contained in Annexure-3) Served upon the petitioner.

(vi) For any other relief (s) for which the petitioner would be entitled by this Hon'ble High Court Patna in facts & circumstances of this case.”

Order dated 03.02.2022 now stands complied with.

Learned counsel for the petitioner undertakes to approach Respondent No. 2, namely, The Authorized Officer, Union Bank of India for Khagaria Branch, Regional Office, Bhagalpur, within a period of two weeks, giving proposal for one time settlement for (a) waiver of the interest in terms of the R.B.I. Guidelines and on the basis of parity; (b) for repayment of the amount mutually agreed upon in equal installments, spread over a period of six months.

Learned counsel for the respondent Bank states that the petition may be disposed of in the aforesaid terms.

As such, as mutually agreed upon, we dispose of the present petition in the following terms:-

(i) Petitioner shall make himself available in the office of the Respondent No. 2 namely, The Authorized Officer, Union Bank of India for Khagaria Branch, Regional Office,



Bhagalpur on 02.03.2022 at 10:30 A.M. when a proposal complete in all respect, shall be submitted for both waiver of interest as also repayment of the amount (principal plus interest) in equal monthly installments, spread over a period of six months;

(ii) We are sure that the respondent No. 2 shall take a decision accounting for all factors, including the prevalent economic conditions and hardship having arisen out of current pandemic Covid-19;

(iii) Such decision has to be taken keeping in mind the principle of parity as also the guidelines and directions issued by the headquarters of the Bank and the Reserve Bank of India;

(iv) The decision be communicated to the petitioner within a period of three weeks;

(v) Till the time proposal is pending with the authorities, no coercive action shall be taken against the petitioner;

(vi) Liberty reserved to the parties to take recourse to such remedies are otherwise available, should the need so arise subsequently;

(vii) However, we are hopeful that with the



intervention of the respondent Bank, the matter would be resolved amicably.

The instant petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/chn

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