

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2393 of 2023

1. Indu Kumari Wife of Late Deepak Kumar @ Deepak Kumar Singh R/o Manjhaul Purbari Tola, P.O.-Manjhaul, District-Begusarai, At Present R/o New Professor Colony, P.S.-Ratanpur O.P., District-Begusarai.
2. Keshav Kumar @ Keshav Singh Son of Late Deepak Kumar Singh R/o Manjhaul Purbari Tola, P.O.-Manjhaul, District-Begusarai, At Present R/o New Professor Colony, P.S.-Ratanpur O.P., District-Begusarai.

... .. Petitioner/s

Versus

1. The State Bank of India through the Chairman, Corporate Office at M.C. Road, Nariman Point, Mumbai (Maharashtra).
2. The General Manager. State Bank of India, Local Head Office, West Gandhi Maidan, Patna.
3. The A.G.M. State Bank of India, Stressed Assets Recovery Branch (SARB), Main Branch Building, West Gandhi Maidan, Patna.
4. The Chief Manager, State Bank of India, Stressed Assets Recovery Branch (SARB), Main Branch Building, West Gandhi Maidan, Patna.
5. The Branch Manager, State Bank of India, Manjhaul Branch, District Begusarai.
6. The Union of India through the Secretary, Department of Financial Service, Ministry of Finance, Government of India, New Delhi.
7. The Debts Recovery Tribunal, Patna through the Registrar, DRT Patna, Wings A and B, 2nd Floor, Karpuri Thakur Sadan, Near Rajiv Nagar Police Station, Ashiana Digha Road, Patna.
8. The Recovery Officer, DRT Patna, Wings A and B, 2nd Floor, Karpuri Thakur Sadan, Near Rajiv Nagar Police Station, Ashiana Digha Road, Patna.
9. Sri Ranjeet Kumar Son of Ram Bhujhawan Singh, At and P.O.-Ayodhya, Teghra, District-Begusarai, PIN-851133.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Pandey, Advocate Mr. Rajesh Kumar, Advocate
For the Respondent/s	:	Mr. Sanjay Singh Thakur, Advocate Mr. Baua Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 20-04-2023

Heard learned counsel for the parties.

2. Learned counsel for the petitioner submits that the



Recovery Officer has auctioned his plot at a much lower price than it would have ordinarily faced. The copy of the valuation report was also not provided to him.

3. Learned counsel for the petitioner further submits that the petitioner is even ready to deposit the auctioned price, on which the Recovery Officer has auctioned the land of the petitioner.

4. This Court finds that in a recent judgment passed in the case of **South Indian Bank Ltd., & Ors., Vs. Naveen Mathew Philip & Anr.**, reported in **2023 SCC Online SC 435**, the Apex Court has reiterated the law as laid down by the Apex Court earlier in cases as noticed therein and held as under:-

“18. While doing so, we are conscious of the fact that the powers conferred under Article 226 of the Constitution of India are rather wide but are required to be exercised only in extraordinary circumstances in matters pertaining to proceedings and adjudicatory scheme qua a statute, more so in commercial matters involving a lender and a borrower, when the legislature has provided for a specific mechanism for appropriate redressal.

19. Reiterating the concern expressed, the present appeals are disposed of. The Registry is directed to mark a copy of this order to the High Court of Kerala and the High Court of Punjab & Haryana. No costs.”



5. In view of above, this writ petition is held to be not maintainable as there is a remedy available to the petitioner to approach the Recovery Officer and raise all his objections relating to the auction conducted and also make his offer as has been made before this Court. The Recovery Officer shall be free to take a decision thereto, which again can be challenged before the appropriate forum as provided under the law.

6. Granting such liberty to the petitioner, the present writ petition is dismissed as not maintainable.

(Sanjeev Prakash Sharma, J)

Amrendra/-
Item No. 26

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