

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18117 of 2015

=====

Om Prakash Rai son of Bhikhari Rai Proprietor of 'Onkarnath Trading'
resident of village - Jaso Road, P.S. - Buxar Industrial District - Buxar.

... .. Petitioner

Versus

1. Senior Manager, Buxar Branch, Canara Bank, Namak-Gola, Buxar, P.S.-
Buxar(T), District-Buxar.
2. Presiding Officer, Debts Recovery Tribunal, Patna.

... .. Respondent

=====

Appearance :

For the Petitioner/s	:	Mr. Bachan Jee Ojha, Advocate.
For the Respondent Bank	:	Mr. Onkar Kumar, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 13-01-2023

Heard Mr. Bachan Jee Ojha, learned counsel for the
petitioner and Mr. Onkar Kumar, learned counsel for the
respondent Canara Bank through video conferencing.

2. The present writ application has been filed for the
following reliefs:-

*“(i) For issuance of appropriate writ in
the nature of mandamus for directing the
respondent Bank to take the loan amount as fixed
by learned Debts Recovery Tribunal on
07.12.2010 in S.A. No. 30/2010 on the basis of
easy installment as purposed by the petitioner
before Hon’ble High Court by way of
Supplementary Affidavit and not within five*



months.

(ii) For issuance of an appropriate writ in the nature of mandamus to direct the respondent bank not to disturb the mortgage property which is the dwelling house of the petitioner.

(iii) To grant any other relief/reliefs to which the petitioner may be found entitled in the facts and circumstances of the case.”

3. At the outset, learned counsel for the petitioner submits that earlier twice the petitioner had unsuccessfully approached before this Court, the order of which has been annexed as Annexures 2 and 5 to the writ application. However, after some arguments, learned counsel for the petitioner seeks permission to approach the competent authority of the Bank for settling his dues.

4. Be that as it may, the present writ application stands disposed of granting liberty to the petitioner to file a representation before the competent authority of the Bank for redressal of his grievance.

5. It is made clear that the Court has not expressed any opinion on the merit. The Bank authority, without being prejudiced to the order of this Court, may consider the case of the petitioner and pass an appropriate order in accordance with law.



6. Mr. Onkar Kumar, learned counsel for the respondent Bank submits that as on today the total outstanding dues against the petitioner is of Rs.1,18,05664/-, however, he has no objection, if the petitioner files a representation before the Bank authority, the same would be dealt with in accordance with law.

(Ahsanuddin Amanullah, J)

(Harish Kumar, J)

manoj/rohit-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.01.2023.
Transmission Date	NA

