

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3959 of 2023

M/s Jai Hanuman Agrotech Private Limited at Madhaipur Vidyapatinagar, P.S.-Dalsinghsarai, District-Samastipur (Bihar) through its Director Ajeet Kumar, aged about 40 years (Male), son of Sri Bishwanath Prasad, resident of Madhaipur Vidyapatinagar, P.S.-Dalsinghsarai, District-Samastipur (Bihar).

... .. Petitioner/s

Versus

1. The Canara Bank through its Chairman-cum-Managing Director, Naveen Complex, 14, M.G. Road, Bengaluru (Karnataka).
2. The Regional Manager, Canara Bank, Patna Regional Office, 2nd Floor Maurya Tower, Maurya Lok Complex, Patna-800001.
3. The Recovery Senior Manager, Canara Bank, Patna Regional Office, 2nd Floor Maurya Tower, Maurya Lok Complex, Patna-800001.
4. The Authorized Officer, Canara Bank, Patna Regional Office, 2nd Floor Maurya Tower, Maurya Lok Complex, Patna-800001.
5. The Branch Manager, Canara Bank, Dalsinghsarai Branch, Tripit Sundar Complex, Gudari Road, Dalsinghsarai-848114, District-Samastipur.
6. The State of Bihar through the Principal Secretary, Finance Department, Government of Bihar, Patna.
7. The District Magistrate, Samastipur.
8. M/s JDM Engineering @ Construction Pvt. Ltd. having its office at Magistrate Colony, Khajpura, District-Patna through its Director Chakardhar Chaudhary.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Choudhary, Adv.
For the Respondent Bank : Mr. Rajan Ghoshrahe, Adv.
For the Respondent No. 8 : Mr. Mukesh Kr. Thakur, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

- 2 24-04-2023 1. The petitioner has already filed an appeal before D.R.A.T. which is pending. It is also noticed that at the time of recovery proceedings, the law has been taken in hand by the petitioner and certain officials of the Bank were also beaten up.



Taking into consideration the facts, no ground for interference is made out in writ petition.

2. More so, in the judgment passed by the Hon'ble Supreme Court in **M/s South Indian Bank Ltd. & Ors. vs. Naveen Mathew Philip & Anr. Etc. Etc.** arising out of SLP (Civil) Nos. 22021-22022 of 2022 decided on 17.04.2023 wherein, the Apex Court held as under:

“2. Seeking enforcement of a unilateral offer concerning private financial transactions, while questioning the steps taken to recover the dues on the failure to comply with the one-time settlements, extraordinary jurisdiction of the High Court was sought to be invoked. Acceding to the request made by duly interfering with the action taken by the Appellants, orders were passed, in exercise of the powers conferred under Article 226 of the Constitution of India by the High Court of Kerala, which are impugned in the present appeals.

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.”

3. The petitioner is left free to move appropriate application before DRAT who shall examine the grievance, if



any.

4. As such, the writ petition is dismissed with
aforesaid liberty.

(Sanjeev Prakash Sharma, J)

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