

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10732 of 2015

Smt. Sarda Devi Wife of Harendra Prasad Akela, Resident of Mohalla-
Hajiganj, behind L.I.C. Office, P.S.- Chowk, District- Patna ... Petitioner
Versus

1. Allahabad Bank
2. Area Manager, Allahabad Bank, Budh Marg, Patna.
3. Senior Manager, Muradpur Branch, Allahabad Bank, Patna.
4. Atulya Kumar, Son of Sri Bijay Kumar, Resident of Ward No. 10, Station Road, Nokha, P.S.- Nokha, District- Rohtas. ... Respondents

Appearance :

For the Petitioner : Mr.Rakesh Kumar Chandram, Adv.
For the Respondents : Mr.Dr. Binod Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

5 28-08-2023 Heard the learned counsel for the parties.

2. The present writ petition has been filed for the following relief(s) :

“..... to issue a writ in the nature of Mandamus and subsequently to direct/command the respondent authorities to receive the due amount Rupees 5,31,195.24 in the light of the order of the D.R.T. passed on 01.05.2012 in M.A. No. 28 of 2012 and calculation chart prepared by Allahabad Bank and during pendency of this writ petition direct the bank to not take possession over the mortgaged house.”

3. Learned counsel for the petitioner has stated that the petitioner as per the order of the Debt Recovery Tribunal passed on 01.05.2012 in M.A. No. 28 of 2012 was ready and willing to pay the amounts due to the respondent-Bank, but, authorities were not prepared to receive the same. Learned



counsel has stated that the petitioner belongs to a poor family and the only house of the petitioner was auctioned and sold by the respondent-bank in favour of respondent no. 4. As per the calculation sheet provided by the Bank the petitioner was due an amount of Rs.5,31,195.24 as of May, 2012, as the petitioner was not in a position to pay the entire due amount, she got a bank draft prepared for an amount of Rs.1,18,565/- but the same was returned by the bank officials. Though the petitioner has gone to the Bank several times and made several representations, the official respondents not willing to settle the account of the petitioner and not accepting the amounts that the petitioner has tried to deposit. Therefore, learned counsel for the petitioner prays that an opportunity be given to the petitioner to clear the loan amount.

4. Per contra, the learned counsel appearing on behalf of the respondent-Bank has vehemently opposed the very maintainability of the writ petition and stated that in spite of granting several opportunities by both the Debt Recovery Tribunal as well as the Bank, the petitioner has failed to avail the same. Learned counsel has stated that the Hon'ble Debt Recovery Tribunal taking into consideration the financial position of the petitioner has granted ample opportunity, but, the



petitioner has failed to avail the same. Learned counsel has stated that the auction was conducted and the sale certificate issued in favour of respondent no. 4 way-back in the year 2011. That on the application made by the petitioner, the Hon'ble Debt Recovery Tribunal was pleased to grant number of opportunities to the petitioner and conditional orders were passed to deposit the due amount, but, the petitioner failed to comply with the same and, therefore, prayed this Hon'ble Court to dismiss the present writ petition.

5. Admittedly, as seen from the record, the petitioner was due an amount of Rs.5,31,195.24 as of May, 2012. The Bank officials treating the account of the petitioner as NPA have initiated necessary procedure for recovery of the loan. As per the orders of the Debt Recovery Tribunal, Patna, the auction was conducted and the 4th respondent being the highest bidder, the sale was knocked in his favour and sale certificate was issued in the year 2011. As seen from the several orders of the Debt Recovery Tribunal, the petitioner was given ample opportunity to pay the amounts due to the Bank, but, admittedly, the petitioner has not paid the amounts within the time stipulated by the Debt Recovery Tribunal, Patna. Much water has flowed since 2011 and at this juncture this Court is not inclined to grant



the relief prayed for by the petitioner. More over, the petitioner has not challenged the sale certificate issued in favour of respondent No. 4 nor the orders of the Debt Recovery Tribunal which have become final. If the petitioner had any grievance against the orders of the Debt Recovery Tribunal, she has not filed any appeal.

6. Having regard to the same, this Court does not find any merit in the present writ petition which warrants any interference or granting the relief prayed for by the petitioner.

7. This writ petition is dismissed accordingly.

(A. Abhishek Reddy , J)

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