

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6882 of 2023

1. Uma Shankar Prasad Singh, Son of Late Rajnandan Prasad Singh, Resident of Village and Post- Belsandi Tara, P.S.- Bibhutipur, District- Samastipur, presently residing at Sector J/148, P.C. Colony, Kankarbagh, P.S.- Kankarbagh, District- Patna.
2. Ravi Shankar, Son of Late Rajandan Prasad Singh, Resident of Village and Post- Belsandi Tara, P.S.- Bibhutipur, District- Samastipur.

... .. 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, Canra 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.
6. The State of Bihar, through the Additional Chief Secretary, Department of Agriculture, Govt. of Bihar, Patna.
7. The District Magistrate, Samastipur.
8. The District Agriculture Officer, Samastipur.
9. M/S Jai Hanuman Agrotech Private Limited at Madhaipur Vidyapatinagar, P.S.- Dalsinghssarai, 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.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Sr. Adv. Mr. Uma Shankar Prasad Singh, Adv.
For the Respondent/s	:	Mr. Dhurjati Kr. Prasad (GP 14).
For the Bank	:	Mr. K. N. Singh, Sr. Adv.
For the Respondent No.9:		Mr. Suraj Narayan Yadav, Adv. Mr. Ranjit Kumar Yadav, Adv.

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

13 10-11-2023

Heard learned counsel for the parties.



2. The present Writ Petition has been filled for the following reliefs:-

“.....for issuance of appropriate order(s), direction(s), writ/writs, preferably in the nature of mandamus, commanding and directing the Respondents, in particular the Respondent Bank to protect the right and interest of the petitioners and to make payment of the amount of the potatoes kept in the cold storage of Respondent No.9, M/s Jai Hanuman Agrotec Pvt. Limited, amounting of Rs.10,05,628 (Rupees Ten lacs five thousand six hundred twenty eight only) as the petitioners have come to know that the Respondent Bank has put the said cold storage of M/S Jai Hanuman Agrotec Pvt. Ltd. Along with the potatoes of the farmers including petitioners on auction sale, for recovery of its loan amount without informing and noticing the petitioners and the petitioners also come to know that a huge amount about two crores rupees lying with the Bank after adjusting its loan amount of Rs.751.32 lacs.”

3. Learned counsel appearing on behalf of the petitioners has stated that the petitioner has stored potatoes in the cold-storage belonging to the Respondent No. 9. Thereafter, the loan account of the Respondent No. 9 was declared as NPA and the financial institution has taken necessary steps for auctioning the property mortgaged by the Respondent No. 9. At the time of auction, the potatoes stored by the petitioner were



not found in the cold-storage Unit by the Respondent No. 9. The said auction of the mortgaged property of Respondent No. 9 was conducted on 01.08.2022 and sale proceeds have been deposited with the Respondent-Bank. Learned counsel has stated that after satisfying the loan account, the Bank is having a surplus amount of nearly Rs. 1,63,35,145.82/- and therefore, the value of the potatoes which were ostensible soled by the Respondent No. 9 amounting to Rs. 10, 05,628/- has to be paid to the petitioner. Learned counsel has relied on Section 13(7) of the SARFAESI Act to buttress his contentions. Further it is stated by the counsel for the petitioners that the claim of the petitioners for the amount of Rs. 10, 05,628/- has already been certified by the District Agriculture Officer and the petitioners are also having the original receipts to show that the potatoes were stored in the cold-storage of the Respondent No. 9. Therefore, learned counsel has prayed this Court to allow the present writ petition and a direction given to the Respondent-Bank to pay the petitioner the value of the potatoes amounting to Rs. 10,05,628/-.

4. Learned counsel appearing on behalf of the Respondent-Bank has stated that, in case, this Court passes any orders for payment of the above said amount being the value of



the potatoes, they will abide by the said order. But, however, subject to the condition that the petitioners offer a bank guarantee for the above said amount and give an undertaking that they will abide by the final result in the Appeal No. 1224 of 2022 filed by the Respondent No. 9 before the DRAT, Allahabad.

5. Learned counsel appearing on behalf of the Respondent No. 9 has stated that this Hon'ble Court may pass appropriate orders but however any amount paid to the petitioners should be subject to the result of the appeal filed by them i.e. Appeal No. 1224 of 2022 pending before the DRAT, Allahabad.

6. Having regard to the above made submissions, the Respondent-Bank are directed to pay the amount of Rs. 10, 05,628/- to the petitioners subject to the petitioners furnishing a bank guarantee for the like amount. It is made clear that the amounts paid to the petitioners shall be subject to the final result of the Appeal No. 1224 of 2022 pending before the DRAT, Allahabad and to that effect the petitioners shall file an undertaking before the Respondent-Bank.

7. With the above directions, the present writ petition stands disposed off to the extent indicated above.



(A. Abhishek Reddy , J)

shakir/-

U			
---	--	--	--

