

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11619 of 2023

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1. Indian Bank through its Authorized Officer, Patna Main Branch, Patna - 800001.
 2. Authorized Officer, Indian Bank, Patna Main Branch, Patna - 800001.
 3. Chief Manager-cum-Authorized Officer, Indian Bank SAM-V, Patel Nagar, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. District Magistrate, Patna.
3. Additional Collector-cum-Senior Officer, District Certificate Section, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajan Ghoshrahe, Advocate
For the Respondent/s : Mr.Sarvesh Kumar (GP24)

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

Date : 28-08-2023

Heard the parties.

2. The present writ petition is filed for the following

relief(s):-

“For issuance of an appropriate writ, order or direction commending the Respondent Authorities to facilitate the delivery of possession of the secured asset, i.e., immovable property to the Authorized Officer of the Indian Bank (Petitioner No. 3) which was auction sold by the Petitioners on 31.03.2022 in accordance with provisions of SARFAESI Act, 2002 as the property in question was a mortgaged



property and was auctioned sold in the process of recovery of dues of the petitioner-Indian Bank”.

3. Learned counsel appearing on behalf of the petitioner states that the application filed by the petitioner has been returned on frivolous and legally untenable ground. Learned counsel has stated that the authority concerned has simply returned the application filed by the petitioner stating that the petitioner has to get some clarification from the Hon’ble High Court and therefore, prays this Hon’ble Court to set aside the order passed by the Additional Collector (Respondent No. 3).

4. The learned counsel appearing on behalf of the respondents has fairly stated that the impugned order passed by the authority cannot be supported and the reasons given by the authority concerned in the impugned order are vague.

5. Having regard to the above made submission without going into the merits or demerits of the case, the impugned order is set aside and the petitioner is directed to re-submit his application before the Additional Collector (Respondent No.3). On such re-submission being made, the Additional Collector (Respondent No. 3) shall pass necessary orders on merits. The entire excise shall be completed as



expeditiously as possible preferably within a period of 30 days from the date of receipt of the copy of the application by the petitioner.

6. Accordingly, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	30.08.2023
Transmission Date	

