

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17586 of 2022

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Shambhu Prasad, son of Late Dhanraj Sah, Proprietor M/s Jagdamba Traders,
resident of Ward No. 10, Main Bazar, Nokha, Police Station- Nokha, District-
Rohtas, PIN 802215.

... .. Petitioner/s

Versus

1. The Dakshin Bihar Gramin Bank through its Chairman, Dakshin Bihar Gramin Bank, Head Office, Kankarbagh, Patna.
2. Regional Manager, Dakshin Bihar Gramin Bank, Regional Office, Sasaram, District- Rohtas.
3. The Regional Officer-cum- Authorized Officer, Dakshin Bihar Gramin Bank, Regional Office, Sasaram, District- Rohtas.
4. The Branch Manager, Dakshin Bihar Gramin Bank, Nokha Branch, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manendra Kumar Sinha, Advocate
For the Respondent/s : Mr. Ranjeet Kumar Pandey, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-01-2023

Petitioner has prayed for the following relief(s) :-

“i) For direction to the respondent Bank authorities who have not cooperated with the petitioner in matter concern in compliance of the order dated 25.04.2022 passed by the Hon'ble High Court in CWJC No. 17775/2019.

ii) To direct the Respondent no. 2 (The Regional Manager, Gramin Bank, Dakshin Regional Bihar Office, Sasaram) to consider the prayer of petitioner who is a senior citizen and sick person of aged about 70



years and a heart patient in the light of Hon'ble High Court order/ direction passed in CWJC No. 17775/2019 and also on sympathetic and humanitarian ground for sake of justice to the petitioner.

iii) To pass the order and direct the respondents settle the matter amicably with the petitioner as the matter related to the 'residential house' and the petitioner has already paid more than 80% of loan amount (about Rs. 25 lacs/ out of Rs. 30 lacs) and still ready to pay a lump- sump total amount of Rs. Ten lacs much more than the dues settled amount of Rs. 30 lacs.

iv) To restrain the respondents for taking any coercive steps against the petitioner and also direct the respondents to take matter seriously on priority basis and resolve the issue in a justified manner without making any delay within a reasonable time keeping in view economical position the wicked and health of a senior citizen. inferior

v) For any other relief or reliefs for which the petitioner is entitled too.

We are of the considered view that the present petition in its present form is not maintainable and more so, in view of an equally alternative efficacious remedy available to the petitioner under the provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

At this stage, Mr. Ranjeet Kumar Pandey, learned counsel appearing on behalf of the respondent-Bank, states that the



auction which was to take place yesterday has not taken place for the reason that none came forward to submit any bid in terms of the advertisement issued by the respondent putting the petitioner’s property for sale.

Statement accepted and taken on record.

Present petition stands disposed of reserving liberty to the petitioner to take recourse to such other remedies as are otherwise available in accordance with law.

Interlocutory application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Prakash/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

