

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6347 of 2015

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Pawan Kumar Son of Sri Ram Balak Saw resident of Maherajganj, P.S.
Alamganj, Distt. - Patna

... .. Petitioner

Versus

1. The Chief Manager, State Bank Of India, West Gandhi Maidan, Patna
2. Regional Manager - II, S.B.I. Patna Anta Ghat J.C. Road, Patna
3. Branch Manager Samapatchak State Bank of India, PS. Sampatchak, Distt. - Patna
4. Md. Rizvi (Authoised representative of Eforcement and Resolution agency)
Dakash Professional Consulting Pvt. Ltd., Exhibition Road, Patna.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Shiopujan Singh, Advocate
	:	Mr. Mukesh Kumar Singh, Advocate
For the Respondents	:	Mr. Satya Prakashtripathy, Advocate
For the State Bank of India	:	Mr. Rakesh Kumar Singh, Advocate

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL ORDER

10 14-03-2024 Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. It was brought to the notice of this Court that the petitioner has initially filed CWJC No. 5044 of 2015, which was been disposed of *vide* order dated 06.04.2015. The said writ petition was for the release of mini bus, bearing no. BR-O1PE-4496, which was seized in view of the outstanding dues of loan against the petitioner. The order dated 06.04.2015 disclose that the petitioner has approached this Court for the second time. On the earlier occasion, he withdrew the writ petition to file case



before the competent authority for the redressal of his grievance.

3. It is contention of the learned counsel for the petitioner that he is ready to clear the entire dues within a period of six months, if the installments are fixed and further submitted that he had already paid eighteen installments.

4. It is pertinent to mention that the order dated 06.04.2015 in CWJC No. 5044 of 2015 discloses that the petitioner is directed to pay 30% of the outstanding dues as on the date of the disposal of the writ petition within ten days. On such payment the bus shall be released in his favour and further the respondent-Bank shall fix the installment, which shall be paid within the period of six months.

5. It is the contention of the learned counsel for the petitioner that he had paid 30% of the outstanding amount of the loan i.e., Rs. 1,86,484/- and inspite of it, the bus was not released and therefore, the petitioner was constrained to file the present writ petition for the same relief of release of his vehicle.

6. On the other hand, learned counsel for the respondents contented that 30% of the outstanding amount, as on the date of 06.04.2015 was not paid by the petitioner, therefore, the respondent was constrained to issue notice to auction the said bus on 08.02.2016. It is also contended that the



writ petitioner has also filed a contempt case against the CWJC No. 5044 of 2015 and the same was withdrawn on 16.08.1982 and the present writ petition itself is not maintainable as the same relief was sought in the earlier writ petition.

7. Considering the rival contentions and of perusal of record, it is evident that the bus itself was auctioned on 08.02.2016. If at all the petitioner has any grievance against the said auction, it is for the petitioner to challenge the said order and the present writ petition is not at all maintainable as it becomes infructuous, therefore, the instant writ petition is dismissed as infructuous.

(G. Anupama Chakravarthy, J)

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