

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17368 of 2023

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Laxmi Agro Wormi Compost through its Proprietor Manoj Kumar, Son of Nageshwer Singh, Gender-Male, aged about 46 Years, Resident of Village-Sethna, P.O.-Salaunja, P.S.-Halsi, District-Lakhisarai, Pin-811311.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Disasters Management, Government of Bihar, Patna.
2. The Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
3. The Joint Director (Chemistry), Quality Control, Department of Agriculture, Government of Bihar, Patna.
4. The Collector-Cum-District Magistrate Lakhisarai.
5. The Sub Divisional Officer, Lakhisarai.
6. The Circle Officer, Hilsa, Lakhisarai.
7. Dakshin Bihar Gramin Bank, through its Authorized Officer, Head Office Shri Vishnu Commercial Complex, NH-30, New Bypass, Near BP Highway Service Petrol Pump, Ahochak, Patna-800016.
8. Regional Manager, Dakshin Bihar Gramin Bank, Regional Office, Station Road, Opposite Genx Brij Hotel Near Jhajha Bus Stand Road, Jamui-811307.
9. Branch Manager, Dakshin Bihar Gramin Bank, Tetarhat, Lakhisarai.
10. The Union of India through Secretary, Banking Division, Ministry of Finance, Government of India, New Delhi.
11. The Presiding Officer, Debt Recovery Tribunal, Patna.
12. Mr. Dinesh Kumar Gupta (Former Branch Manager) Dakshin Bihar Gramin Bank, Tetarhat, Lakhisarai, Permanent Resident Near, Neelam Takij, MAdd Purmanet Resident Near, Mulam Takij, Munger, Post and P.S. and Dist-Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P.N. Sahi, Sr. Adv. with Mr. Mithlesh Prasad Singh, Adv.
For the Respondent/s	:	Mr. Birju Prasad, GP-13 with Mr. Ravi Kumar, AC to GP-13. Ms. Shweta Anand, AC to GP-13.
For the Bank	:	Mr. Ranjeet Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY



ORAL ORDER

2 22-01-2024 Heard learned counsel for the parties.

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

“(1) For issuance of an appropriate writ or order or direction in the nature of MANDAMUS directing respondent No. 7 to 9 complied with the terms & conditions of the UNDERBIG VYPAR SCHEME of the Bihar Government under which the applicant has availed the loan facility. Under such scheme there is subsidy of Rs. 20.00 lacs if the borrower qualified the conditions as per mention in sanction letter. (Annexure P/2), with further direction to restrain the respondents from taking any coercive action against the mortgaged property of the petitioner until the merit of the case decided.

(II) For issuance of a writ or order or direction in the nature of MANDAMUS directing Respondent No.-10 not to proceed with its order dated 23.08.2023 in S.A. No.-77 of 2022 (Annexure P/15) wherein the said Respondent No.-10 has acted upon the recommendation of the Respondent Bank to deposit the amount of Rs. 5.00 lacs per month, the next installment for the payment of aforesaid amount shall be dues on 15 of every month commencing from the 15 September 2023.

(III) For issuance of a writ or order or direction in the nature of MANDAMUS directing the respondent



bank 7 to 9 who has entered hypothecation agreement with borrower which is covered under Insurance Scheme as per Bank terms & Conditions mentioned in page no.-5 of the sanctioned letter under the heading POST DISBURSEMENT CONDITIONS grants the benefit of Insurance in case of loss of his business as par Post sanctioned compliance report of the (Annexure P/3) read with annexure P/2.

(IV) For further issuance of a writ or order or direction restraining the respondents from taking any coercive action against the petitioner in terms of the demand notice dated 28.02.2019 and symbolic possession notice dated 18.10.2019.”

3. Even though the learned counsel appearing on behalf of the petitioner has argued the matter at length on the merits of the case, however, this Court is not inclined to go into the said aspect.

4. Learned counsel appearing on behalf of the petitioner on instructions from his client has stated that the petitioner is willing to deposit an amount of Rs. 16 Lakh to the credit of the loan account which is the subject matter of the dispute before the DRT by 05.02.2024.

5. Learned counsel for the Respondent-Bank has stated that the possession of the subject property is due to be taken on 09.02.2024.



6. Keeping in view the interest of both the parties, this Court deems it fit to direct the DRT to dispose off the main S.A. No. 77 of 2022 which is fixed on 17.02.2024. The DRT shall prepone the date of hearing and pass appropriate orders preferably before 09.02.2024. All the contentions raised by the petitioner shall be dealt with by the DRT including the non-taking of the insurance for the subject property and machinery by the bank raised by the petitioner.

7. In case, the DRT is of the opinion that the matter cannot be finally disposed off before 09.02.2024 and has to be adjourned, the same shall be done on such further terms and conditions as the DRT may deem fit. In case, the petitioner is so advised he can file a representation before the Bank authority seeking One Time Settlement (OTS) and on such representation being made, the Respondent-Bank shall consider the same on its own merits.

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

(A. Abhishek Reddy , J)

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