

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17737 of 2024

Ajay Kumar Jha, Son of Ram Bhajan Jha, resident of Sherpur, Shakti Nagar,
P.O.- Bela, 41/C, Muzaffarpur, P.S. Muzaffarpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Muzaffarpur.
2. The Indian Bank (previously the Allahabad Bank), through its Regional Manager, Regional Office, Indian Bank, near Kotwali, Town and District- Patna, PIN Code - 800001.
3. The Branch Manager, Indian Bank Branch at Muzaffarpur.
4. Anil Kumar @ Anil Kumar Jha, Son of Ram Bhajan Jha, resident of Bela, Chapra, Mushhari, P.S. - Muzaffarpur, P.S. and District- Muzaffarpur.
5. Manoj Kumar Jha, Son of Ram Bhajan Jha, resident of Bela, Chapra, Mushhari, P.S. Muzaffarpur, District - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Prasad
For the Respondent/s	:	Mr.Government Advocate (13)
For the Bank		Mr. Ajit Kumar Sinha, Adv.
		Mr. Dilkes Khan, Adv.
		Miss. Minu Kumari, Adv.

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

2 26-11-2024 Heard the parties.

2. The present writ petition is filed for the following

relief(s):-

“i) For quashing the letter dated 22.10.2024 (Annexure-P/1 to this writ application) issued under section 13(4) of the SARFAESI Act whereas mentioning the possession notice (for immovable property as Annexure-3, Appendix-IV) whereas raised a demand of Rs.25,92,222/- as well as the petitioner has challenging the entire SARFAESI proceeding initiated against the petitioner without any notice to the



petitioner as well as without issuance of fresh notice u/s 13(2) of the Act after withdrawal of earlier Surfaisi proceeding A copy 22.10.2024 of letter issued dated under Section 13(4) of the SARFAESI Act is annexed herewith and marked as Annexure-P/I to this writ application.

(ii) For issuance of a direction to the respondent bank that number of time oral and written request is made to the respondent bank which has not been considered as yet, be considered by the respondent bank.

(iii) For grant of any other relief/reliefs to which the petitioner may be found entitled to in the facts and circumstances of this case.”

3. Having regard to the fact that the petitioner has received the demand notice under Section 13(2) of the SARFAESI Act, without going into the merits or demerits of the case the present writ petition is disposed of at the stage of admission with the consent of both the parties. The petitioner is directed to file his objections within a period of ten days from today. On such objections being filed, the same shall be considered by the respondents-Bank strictly in accordance with law. The respondents-Bank shall pass orders on the objections filed by the petitioner before 13.12.2024 and communicate the same to the petitioner.

4. In case the petitioner is aggrieved by the orders



passed by the Bank, he is free to agitate his rights before an appropriate forum.

5. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

Bhardwaj/-

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