

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3752 of 2023

Hira Devi @ Hira Devi Prasad D/o Ram Prasad Sah, R/o - 10, Pitambar Sarkar Lane, Khiddirpore, Kolkatta, West Bengal. Presently at W/o Laxmi Narayan Prasad, Baripath, Dariyapur, Opposite Rajdhani Market, Main Gate, P.S.- Pirbahore, Patna ... Petitioner

Versus

1. Punjab National Bank through its Zonal Manager, Circle Office Patna, Chanakya Tower, R-Block, Patna.
 2. Authorized Officer, Punjab National Bank, Circle Sastra Patna North, R Block Patna.
 3. Circle Head, Punjab National Bank, Circle Officer Patna North, Chanakya Tower, R-Block, Patna.
 4. Branch Manager, East Gandhi Maidan Branch Punjab National Bank, Patna.
- ... Respondents

Appearance :

For the Petitioner :Mr.Shiv Pratap, Adv.

For the Bank :M/s Suresh Pd. Singh No. 1 & Kumari Rashmi, Adv.

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

11 18-06-2025 Heard the parties.

2. The present writ petition has been filed for the following relief(s) :

I. For the issuance of appropriate writ or writs in the nature of mandamus directing the Respondents, particularly Respondent No.-2 to hand over the physical and vacant possession of the auctioned property situated at Mauza-Mainpura, Mohalla-Shivpuri Tauzi No.-5239, Khata No.-494, Plot No.-1451, Jamabandi No.-15087, Area- 1 Katha covered by sale deed no. 26286 dated 03.10.2012 as per the provisions enshrined under Rule 9(9) of Security Interest (Enforcement) Rules, 2002 Rules of Securitization and Financial Reconstruction of



Financial Assets and Enforcement of Security Interest Act (SARFAESI Act), 2002,

II. For issuance of direction upon the respondents to pay compensation for withholding the huge amount for since 29.07.2019 without any fault on the part of the petitioner as during the said period, the petitioner has suffered mental agony as well as huge financial loss.

III. For issuance of direction upon the respondents to execute the order dated 10.08.2022 passed by this Hon'ble Court in CWJC No 10106/2022 whereby and whereunder Hon'ble Court directed the Respondent Bank to hand over the possession of the aforesaid property within four weeks.

IV. For any other relief/reliefs for which the petitioner is entitled for and for any other appropriate order/s deemed fit in the interest of justice.

3. In the counter affidavit filed by the Respondent-Bank at paragraph 13 it is stated as under :

“13. That in the above backdrop and taking into consideration the facts and circumstances involved in the matter, it may be in the interest of the auction purchaser to get back the auction amount along with statutory interest, so that she may not suffer further, for which the answering bank is always ready, thus it



is humbly requested the Honb'le Court to kindly dispose the matter in the aforesaid terms which may secure ends of justice, or may be pleased to pass any other order/s as your Lordships may deem fit and proper, taking into consideration that there was no latches on the part of the answering Respondents.”

4. Having regard to the same, the present Writ Petition is **disposed of** directing the Respondent-Bank to return the auction amount paid by the petitioner along with the interest of 7.5% from the date of payment of the amount of the petitioner till the date of refund.

(A. Abhishek Reddy , J)

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