

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2505 of 2025

Chandan Kumar Burnwal S/o Late Nepal Prasad Burnwal, Resident of Bhagwati Laxmi Market Chowk, P.S.- Chowk, Patna City, District- Patna - 800008.

... .. Petitioner/s

Versus

1. The State of Bihar, Through the Chief Secretary, Government of Bihar, Patna.
2. The Sub-Divisional Officer, Patna City, District- Patna, Bihar.
3. Poonawalla Fincorp Limited, through its Authorized Officer, Registered Office at Poonawalla Fincorp Ltd., Development House, 24 Park Street, Kolkata, Pin Code- 700016, Interalia its Branch Office at Poonawalla Fincorp Ltd., B- Block, 101 and 102 1st floor, Rajendra Ram Plaza Exhibition Road, Patna-800001.
4. Magma Fincorp Limited, through its Authorized Representative, Registered Office at Magma House, 24 Park Street, Kolkata - 800016.
5. HDFC Bank Limited, through its Branch Manager, HDFC Bank, ABC Tower, Boring Road, Opposite Harihar Chamber at Ankur Hotel, Patna, Bihar- 800001.
6. Sant Kumar Jain, S/o Late Kishun Chand Jain, Resident of Langur Gali, Jhauganj Town, Patna City, Patna- 800008.
7. Avinash Kumar, S/o Sant Kumar Jain, Resident of Langur Gali, Jhauganj Town, Patna City, Patna- 800008, at present New Colony, Kachouri Gali, Jhauganj Town, Patna City, Patna - 800008.
8. Namita Jain, D/o Pawan Kumar Rungta, Resident of Langur Gali, Jhauganj Town, Patna City, Patna- 800008, at present New Colony, Kachouri Gali, Jhauganj Town, Patna City, Patna - 800008.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Saurav Kumar Suman, Advocate.
For the Respondent/s	:	Mr. Government Advocate (03).
For the HDFC Bank	:	Mr. Vivekanand Singh, Advocate.
		Mr. Amit Singh, Advocate.

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

7 17-09-2025 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the



following reliefs:-

“(i) Issue a writ of Certiorari, or any other appropriate writ, order, or direction, quashing the impugned order dated 04.10.2024, issued vide Letter No. 631 by Learned District Magistrate, Patna referred in memo No. 7 dated 02.01.2025 (Annexure-P/8) and issued by the Sub-Divisional Officer, Patna City, which directs the petitioner’s dispossession from his legally owned residential property without disclosing the details of the proceedings or the basis of execution, without affording him an opportunity of hearing, and despite the fact that the property is lawfully owned by the petitioner and mortgaged with HDFC Bank, thereby violating the principles of natural justice and due process of law.

(ii) Issue a writ of mandamus, or any other appropriate writ, order, or direction, restraining the respondents from taking any coercive action, including dispossession of the petitioner from the subject property, for the execution of an order purportedly passed under undisclosed SARFAESI Proceedings, which appears to have been obtained through misrepresentation, suppression of material facts and fraud, pending final adjudication of the petitioner’s property rights before the competent court.

(iii) Issue a writ, order, or direction declaring that the impugned orders dated 04.10.2024 and 02.01.2025 are illegal, arbitrary, and unenforceable, as it seeks to execute an undisclosed



SARFAESI order against a property that is already under adjudication in Execution Case No. 136/2017, Title Suit No. 364/2015, and Complaint Case No. 605/2016, thereby violating judicial propriety and the petitioner's constitutional rights under Article 300A of the Constitution of India.

(iv) Issue a writ, order, or direction, directing the concerned authorities to conduct an independent inquiry into the fraudulent actions of Respondents No. 7 & 8 (Private individuals) and Respondents No. 3 & 4 (financial institutions) who have engaged in forgery, fabrication of documents, and suppression of material facts to unlawfully obtained multiple orders from different forums, including by changing company names and addresses to evade judicial scrutiny and mislead the authorities.

(v) Issue a writ, order or direction directing the concerned authorities to protect the petitioner's lawful ownership and possession of the property and ensure that he is not dispossessed arbitrarily or deprived of his property in violation of the principles of natural justice, due process of law, and his constitutional rights under Article 300 A of the Constitution of India.”

3. In the counter filed by the Respondent-Bank, namely, Poonawalla Fincorp Limited (erstwhile known as Magma Fincorp Limited) a specific stand has been taken that the Respondent-Bank, Poonawalla Fincorp Limited are not



going to proceed against the petitioner under the SARFAESI Act. Learned counsel submits that the earlier notices issued under the SARFAESI Act will not be acted upon and in case, they need to proceed against the petitioner, they shall do so strictly in accordance with law.

2. Having regard to the above made submissions, the present writ stands disposed of leaving it open to the petitioner to approach an appropriate forum, if any action is sought to be taken against the petitioner by the Respondent-Bank, Poonawalla Fincorp Limited.

(A. Abhishek Reddy, J)

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