

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6214 of 2024

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Sanni Kumar S/o Prakash Mandal, At Babudih, P.S.-Barahat, District-Banka.

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Department of Finance and Commerce, New Delhi.
2. The Reserve Bank of India through General Manager, South Gandhi Maidan, Patna.
3. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
4. Kotal Mahindra Bank Ltd. At-Katihar Branch.
5. Kotal Mahindra Bank Ltd. At Patna Branch.
6. Shailesh Kumar, Branch Manager, Kotal Mahindra Bank Ltd. at Katihar.
7. Mukesh Kumar Singh, Proprietor of Repo Agency, Jasidih, P.S.-Jasidih, Deoghar, District-Deoghar (Jharkhand).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar Singh, Adv.
For Respondent Nos.4to6:		Mr. Dhananjay Kashyap, Adv.
For the Respondent/s	:	Mr. Additional Solicitor General

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

13 20-08-2025 Heard the learned counsel for the parties.

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

“That this is an application to pass appropriate writ or writs, order or orders and direction or direction in the nature of mandamus directing upon the respondents to release the Tractor No. BR-51G-9294. Which has been seized by the respondent No. 5 & 6 with the help of respondent No. 7 on 23.01.2024 and the said vehicle has been kep in the parking Global Yard at Bhagalpur.”



3. Learned counsel for the petitioner states that the petitioner has purchased the tractor bearing Registration No. BR-51G-9294 and taken finance from the respondent-Bank (i.e., the respondent Nos. 4 to 6). That due to some unavoidable circumstances, the petitioner has defaulted in making the monthly payment of EMI and the authority has seized the vehicle and auctioned the vehicle without putting the petitioner on prior notice. Learned counsel further states that act of the respondents in seizing the vehicle in a high handed manner by employing the third party agents i.e., Repo Agency (respondent No. 7 herein) is illegal and contrary to the guidelines issued by the RBI. Learned counsel has therefore, prayed this Hon'ble Court to direct the respondent-Bank to release the said vehicle and allow the present writ petition consequently.

4. *Per contra*, the learned counsel appearing on behalf of the respondent-Bank has vehemently opposed the prayer sought for by the petitioner in the present writ petition. Learned counsel has stated that the present writ petition has become infructuous as the vehicle which was seized by the Bank has already been sold to a third party by duly following the procedure. Learned counsel has further stated that though the petitioner has been put on prior notices before the vehicle was



auctioned, the petitioner did not respond to the said notices. Further, it is stated that the petitioner has taken a loan with a promise to repay the same in 58 equal installments but he has only paid 17 installments. That the respondent-Bank has given several notices to the petitioner to pay the balance installments but he did not pay any heed to the same. That the respondent-Bank left with no other option had to auction the vehicle. Learned counsel has stated that in case the petitioner has any other grievance, his remedy is to approach the Civil Court and the prayer sought for in the present writ petition cannot be granted by this Hon'ble Court adjudicating under Article 226 of the Constitution of India.

5. Admittedly as seen from the record, the petitioner has taken a loan for purchasing the tractor, for which the finance was given by the respondent-Bank. It appears from the record that the notices have been issued to the petitioner to make payment of the monthly EMIs but for reasons best known to the petitioner, he has not paid the same.

6. The record further reveals that the petitioner was put on prior notices before the said vehicle was put for auction. Therefore, the contention of the petitioner that the vehicle was sold without putting the petitioner on prior notice is factually



wrong.

7. Having regard to the above, this Court does not find any merit in the present writ petition which warrants any interference by this Court, the present writ petition is accordingly, dismissed. However, it is open to the petitioner to challenge the sale of the said vehicle and seek any compensation before a competent Civil Court, if he is so advised.

(A. Abhishek Reddy, J)

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