

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21245 of 2018

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Rajiv Kumar Son of Sadanand Yadav, Resident of Village- Dhodhiya, P.S.-
Kharik, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The General Manager, U C O Bank Head Office, 10 BTM, Sarani, Kolkata
2. The Zonal Manager, UCO Bank, S.K. Tarafdar Road, Adampur Chowk, Bhagalpur.
3. The Branch Manager, UCO Bank, Narayanpur Branch, Bhagalpur.
4. M/s Kisan Automobiles, NH 31, Naugachia, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Adv.
For the Respondent/s : Mr.Ranjeet Kumar Pandey, Adv.

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 29-08-2025

1. The Writ petition is filed for the following reliefs:-

“(i) For issuance of writ, order and direction in the nature of Certiorari for quashing the entire recovery proceeding conducted by the respondent bank by which the Tractor in question of the petitioner has already been seized and for which a demand notice has been served to the petitioner by the respondent bank vide Ref. Letter No.- Branch/Misc./75/2017-2018.

(ii) For issuance of further writ in the nature of Mandamus commanding and directing the respondent bank to release the Tractor



in question in favour of the petitioner and further direction may be given to the bank because the sanctioning of loan for Tractor and its equipments is in dispute which is well within the knowledge of the respondent bank.

(iii) For issuance of further writ in the nature of Mandamus commanding and directing the respondent bank not to auction the seized tractor in question.

(iv) For hold and declaring that respondent bank has illegally seized the tractor of the petitioner in absence of and without permission of the petitioner which is a criminal act as respondent bank is not entitle seized the tractor without initiating any proceeding as prescribed in the law or without prior notice to the petitioner.

(v) For holding and declaring that respondent bank is not entitle to recover the loan amount as till date neither sale letter nor other equipments of the tractor were supplied to the petitioner by the supplier M/s Kisan Automobiles, the respondent no.-4.

(vi) For issuance of further writ in the nature of Mandamus commanding and directing the respondent bank to stop the further proceeding of recovery of loan amount from the petitioner.

(vii) And/or pass such other consequential relief or reliefs to which petitioner is found entitled in the facts



and circumstance of the case.

2. On perusal of the record, it is evident that the Writ petition was filed to quash the proceedings of the bank, to stall the auction of the tractor, and for release of the same.

3. A detailed counter affidavit was filed on 08.02.2019, on behalf of respondent Nos. 1 to 3, contending that the Writ petition itself has become infructuous, as the tractor in question was sold by the bank, and after receipt of the sale consideration, possession was delivered to the auction purchaser, and a sale certificate was issued on 23.05.2018.

4. The Learned counsel for the petitioner sought time to file a rejoinder to the counter affidavit. In spite of grating adjournment thrice, the rejoinder was not filed. The matter was also adjourned on payment of cost of Rs. 50/- (Fifty Rupees only) to the Bihar State Legal Service Authority. The Learned counsel for petitioner paid the cost and further sought for an adjournment.

5. Heard the Learned counsel for the petitioner as well as the Learned counsel for the



respondents.

6. Admittedly, the Writ petition was filed seeking release of the tractor and to stall the auction proceedings, in addition to quashing the recovery proceedings initiated against the petitioner. However, third-party rights have been created way back in the year 2018. The auction purchaser has not been impleaded as a party before this Court, and there is also no prayer in the Writ petition for quashing of the sale proceedings.

7. Therefore, this Court is of the considerable view that the Writ petition itself has become infructuous. However, the petitioner is always at liberty to challenge the sale proceedings before the competent Civil Court for his rights.

8. With the aforesaid observations, the Writ petition is dismissed as devoid of merits.

(G. Anupama Chakravarthy, J)

Amandeep/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	04.09.2025
Transmission Date	

