

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.484 of 2024
In
Civil Writ Jurisdiction Case No.12478 of 2023

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Dharmendra Kumar, aged about 37 years, Male, Son of Sri Ranvijay Singh,
Resident of Ganga Vihar Colony, Near Asha Deep School, Danapur- cum-
Khagal, Patna P.S.- Digha, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Sri Brijesh Mehrota the Principal Secretary,
Department of Revenue and Land Reforms, Bihar Patna.
2. Sri Kapil Ashok, The Collector-cum- District Magistrate, Patna.
3. Sri Alok Kumar, The Sub Divisional Officer Sadar, Patna.
4. Sri Jitendra Pandey, The Circle Officer, Sadar, Patna.
5. Shri Ajay Bandal, Regional Manager, Regional Office, Union Bank of India,
Nasheman Bhawan Frazer Road, Patna.
6. Sri Shambhu Sinha, The Branch Manager, Union Bank of India, Anishabad
Branch, Khagaul Road, Opp. Police Colony, Near Chitragupta Samaj, Post-
Anishabad, Patna.
7. Ranvijay Singh, Son of Late Ramdayal Rai, Resident of Ganga Vihar
Colony, Digh, PS.- Digha, District- Patna.
8. Sohan Rai, Son of Tota Roy, R/o House No. 15, Gosai Tola, Near Anand
Bread Factory, Near Patliputra Colony, Patna.

... .. Opposite Party/s

with

Civil Writ Jurisdiction Case No. 12478 of 2023

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Dharmendra Kumar, aged about 37 years, Male, son of Sri Ranvijay Singh,
Resident of Ganga Vihar Colony, Near Asha Deep School, Danapur-cum-
Khagaul, Patna, P.S. Digha, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue
and Land Reforms, Bihar, Patna.
2. The Collector-cum-District Magistrate, Patna.
3. The Sub Divisional Officer, Sadar, Patna.
4. The Circle Officer, Sadar, Patna.
5. Regional Manager, Regional Office, Union Bank of India, Nasheman
Bhawan, Frazer Road, Patna.
6. The Branch Manager, Union Bank of India, Anishabad Branch, Khagaul
Road, Opp. Police Colony, Near Chitragupta Samaj, Post Anishabad, Patna.
7. Ranvijay Singh, son of Late Ramdayal Rai, Resident of Ganga Vihar
Colony, Digha, P.S.-Digha, District-Patna.
8. Sohan Rai, son of Tota Roy, R/o House No. 15, Gosai Tola, Near Anand
Bread Factory, Near Patliputra Colon, Patna.

... .. Respondent/s



Appearance :

(In Miscellaneous Jurisdiction Case No. 484 of 2024)

For the Petitioner/s : Mr. Subodh Kumar Barnwal, Advocate.

For the Opposite Party/s : Mr. Standing Counsel 19 with
Mr. Saurabh Kumar, AC to SC-19.

For the Bank : Mr. Manish Kumar, Advocate.

(In Civil Writ Jurisdiction Case No. 12478 of 2023)

For the Petitioner/s : Mr. Subodh Kumar Barnwal, Advocate.

For the Respondent/s : Mr. Rishi Raj Sinha (SC 19 with
Mr. Saurabh Kumar, AC to SC-19.

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

10 31-01-2025 **Miscellaneous Jurisdiction Case No. 484 of 2024**

This Court vide order dated 25.01.2024 had directed
to the authorities as follows:-

*“Paragraph No. 3 – Any action
taken shall be subject to the result of the
present writ petition.”*

2. It is stated by the learned counsel appearing on
behalf of the petitioner that the authorities have taken
possession of the subject property contrary to the above
directions issued by this Court. This Court on 25.01.2024 did
not pass any orders restraining the respondents from taking
possession of the subject property, as a matter of fact, this Court
has observed that any action taken by the respondents shall be
subject to the result of the present writ petition. Therefore, this
Court is of the view that there is no deliberate or willful



violation of the order dated 25.01.2024 passed by this Court.
Therefore, the contempt petition stands closed.

Civil Writ Jurisdiction Case No. 12478 of 2023

3. This Hon’ble Court as well as the Hon’ble Supreme Court in catena of judgments has held that the writ jurisdiction cannot be invoked directly specially when no special circumstances have been pleaded and referred to by the writ petitioner to bring their case under such exception/s more particularly when there is an alternative and efficacious statutory remedy available, as the Hon’ble Supreme Court has held in the case of *United Bank Of India vs Satyawati Tondon & Ors.* reported in *2010 (8) SCC 110* and in the case of *Phoenix ARC Private Limited vs Vishwa Bharati Vidya Mandir* reported in *2022 5 SCC 85*.

4. Having regard to the above, the present CWJC No. 12478 of 2023 stands **disposed of** granting liberty to the petitioner to agitate his rights before a competent civil court or Debt Recovery Tribunal (DRT) as he deem fit.

(A. Abhishek Reddy, J)

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