

(2024) 11 UK CK 0111

In the Uttarakhand High Court

Case No : Writ Petition Miscellaneous Single No. 2232 Of 2024

Rajkumar Jain

APPELLANT

Vs

Punjab National Bank Regional Office & Others

RESPONDENT

Date of Decision : 13-11-2024

Acts Referred:

Recovery Of Debts And Bankruptcy Act, 1993 — Section 18

Citation : (2024) 11 UK CK 0111

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Bilal Ahmed, Shobhit Joshi

Final Decision : Dismissed

Judgement

Pankaj Purohit, J

1. Heard learned counsel for the parties.

2. By means of the present writ petition, petitioner has sought the indulgence of this Court for issuance of a writ of mandamus commanding the respondent-Bank to permit the petitioner to complete his tenancy period of the said land i.e. secured assets and further not to adopt any coercive measures against the petitioner, pursuant to the order dated 16.05.2023, annexure-3 to the writ petition, issued by respondent no.3-the Debt Recovery Tribunal, District Dehradun.

3. Admittedly, a loan was issued to the respondent no.4-Urmila Devi, w/o Dharampal by the respondent-Punjab National Bank. The respondent no.4, who was the owner of the agriculture land, mortgaged the land/property Agriculture Land totaling 2.739 hectare: (i) Khasra No.1369/4, 1499/3m, 1987/2, 1989/2, 1497/m, 1498/1m, 1495/1, 1496/2, 1497, 1498/1, 1499/3, 1509/3, 1509/4, 1510/1 and 1514 total 2.262 hectare situated at Ibrahimpur, Masahi, Pargana Bhagwanpur, Tehsil Roorkee, District Haridwar and (ii) Khasra No.210 area 0477 hectare situated at Rangarwala, Pargana Roorkee, Tehsil Roorkee, District

Haridwar, Uttarakhand as secured assets. When the respondent no.4 failed to repay the loan, the account of the petitioner has become NPA (Non-Performing Asset).

4. The respondent-Bank initiated proceedings for recovery of the loan amount along with interest accrued thereon and filed an Original Application No.278 of 2019 under Section 18 of the Recovery of Debts and Bankruptcy Act, 1993 before the DRT, Dehradun. Undisputedly, learned DRT allowed the original application filed by the respondent-Bank vide its judgment and order dated 30.08.2019. On the application of the respondent-Bank, learned DRT initiated the recovery proceedings against the respondent no.4 for total outstanding amount of Rs.38,53,374.23/-. In the RC proceedings, the DRT has sold the secured assets in favour of Mr. Rajesh Kumar Gupta and Mr. Sanjay Kumar Gupta, who participated in the auction conducted by the DRT itself.

5. The auction purchaser has deposited the total amount outstanding against the borrower before the DRT and the Bank has taken that amount. Thereafter, the receiver was appointed for giving possession of the secured assets to the auction purchaser. In between, an application has been moved by the petitioner stating therein that the petitioner is the tenant of the secured assets on a premium of Rs.3,60,000/- per year, therefore, the possession cannot be handed over to the auction purchaser.

6. Learned counsel for the petitioner is not sure as to what is happened to that application. Without knowing the fate of the application or any order passed on that application, petitioner moved this Court. The writ petition filed by the petitioner lack in material particulars, therefore, it is not possible to pass any order in this writ petition. Accordingly, the writ petition is dismissed in-limine.

7. Pending application, if any, stands disposed of accordingly.