

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3963 of 2026

Anita Devi, Wife of Late Sonalal Prasad, Resident of Ward No. 15, Dudhahi,
P.S.-Harsidhi, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate-cum-Collector, East Champaran.
2. The District Magistrate-cum-Collector, East Champaran.
3. The Superintendent of Police, East Champaran.
4. The Sub-Divisional Officer, Areraj, East Champaran.
5. The Sub-Divisional Police Officer, Areraj, East Champaran.
6. The Deputy Superintendent of Police, Reserved Police Center, East Champaran, Motihari.
7. The Circle Officer, Harsiddhi, East Champaran.
8. The S.H.O., Harsiddhi, East Champaran.
9. Cholamandalam Investment and Finance Company Limited through its Authorized Officer Chola Crest, C54-55 and Super B-4 Thiru-Vi-Ka Industrial Estate Guindy Chennai-600032.
10. The Branch Manager, Cholamandalam, Investment and Finance Company Limited, Bariarpur Bye Pass Road, P.S.-Chhatauni, District- East Champaran.
11. The S.H.O., Govindganj, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate.
For the Respondent/s : Mr. Standing Counsel (4)

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

6 06-07-2026

Heard the learned counsel for the parties.

2. The present Writ Petition has been filed for the following relief(s):-

“(i) For issuance of a writ in the nature of mandamus restraining the concerned respondent from proceeding



further in view of the order dated 28.02.2026 as contained in Memo No. 947 dated 28.02.2026 issued under the signature of District Magistrate, East Champaran whereby and whereunder the Circle Officer, Harsiddhi was deputed for taking possession of the property as fully described in Para-5 of the instant writ application as the same has been issued without taking into account that the petitioner is ready to settle the loan account of Respondent No. 9.

(ii) For further direction the concerned respondent authorities not to take possession of the property other than which has been mortgaged against loan account No. LAP4MTH000088858 since the concerned respondent in the garb of loan agreement are trying to take possession of the dwelling house of the petitioner which is not mortgaged.

(iii) For further restraining the respondent from proceeding under the Secularization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002.”

3. Learned counsel appearing on behalf of the petitioner, on instructions, submits that the petitioner may be permitted to make a suitable representation to the Respondent-Cholamandalam Investment and Finance Company Limited seeking one time settlement or paying the entire due amount as of 17.03.2026 approximately Rs. 32,15,233/- in equal installments and the Bank may be directed to consider the same.

4. Learned counsel appearing on behalf of the Respondent-Cholamandalam, Investment and Finance Company



Limited submits that in case the petitioner makes any application/representation, the same shall be considered in accordance with law. Learned counsel submits that the authority will only auction the land which is mortgaged and not any property which is not mortgaged, therefore, the prayer sought for in the present writ petition cannot be considered.

5. Having regard to the above made submissions, the present writ petition is disposed of granting liberty to the petitioner to make a suitable representation to the Respondent-Cholamandalam Investment and Finance Company Limited ventilating her grievance within a period of four weeks from today. On such representation being given, the respondent-authority shall consider the same on its own merits as expeditiously as possible preferable within a period of 4 weeks from the date of the receipt of the said representation by the petitioner.

6. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

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