

GAHC010087492020



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2623/2020

MD. ANISH ALI AND 6 ORS.
S/O- MD. AYUB ALI, R/O- NAOBOISHA GAON, P.O. DICHONAGAR, P.S.
JORHAT, DIST.- JORHAT, ASSAM, PIN- 785001

2: SAHADEB KHATUA
S/O- SRI SUKUMAR KHATUA
R/O- BASHBARI
P.O. RAJABARI
P.S. JORHAT
DST.- JORHAT
ASSAM
PIN- 785001

3: JOYDEB KHATUA
S/O- SRI SUKUMAR KHATUA
R/O- BASHBARI
P.O. RAJABARI
P.S. JORHAT
DST.- JORHAT
ASSAM
PIN- 785001

4: SURAJIT BERA
S/O- SRI SUDARSHAN BERA
R/O- BASHBARI
P.O. RAJABARI
P.S. JORHAT
DST.- JORHAT
ASSAM
PIN- 785001

5: ANANDA NAVEEL
S/O- MAHADEV NAVEEL
R/O- A.T.ROAD

LACHIT BAZAR
P.O. JORHTA
P.S. JORHAT
DIST.- JORHAT
ASSAM
PIN- 785001

6: DIBYAJYOTI SAIKIA
S/O- LT. BIPUL SAIKIA
R/O- CHOLADHARA
P.O. JORHAT
P.S. JORHAT
ASSAM
PIN- 785001

7: UTTAM JANA
S/O- LT. SUDARSHAN JANA
R/O- MITHAPUKHURI ROAD
WARD NO.8
JORHAT TOWN
P.O. JORHAT
P.S. JORHAT
DIST.- JORHAT
ASSAM
PIN- 78500

VERSUS

ASSAM GRAMIN VIKASH BANK AND 4 ORS.
REP. BY ITS CHAIRMAN, HAVING ITS H.O. AT SHANTI COMPLEX,
G.S.ROAD, BHANGAGARH, P.O. BHANGAGARH, DIST.- KAMRUP (M),
ASSAM, PIN- 781005

2:REGIONAL MANAGER
ASSAM GRAMIN VIKASH BANK
GOLAGHAT REGIONAL OFFICE
KUSHAL PATH
NEW AMULAPATTY
P.O. AND P.S. GOLAGHAT
DIST.- GOLAGHAT
ASSAM
PIN- 785621

3:THE AUTHORISED OFFICER
ASSAM GRAMIN VIKASH BANK
GOLAGHAT REGIONAL OFFICE
KUSHAL PATH
NEW AMULAPATTY

P.O. AND P.S. GOLAGHAT
DIST.- GOLAGHAT
ASSAM
PIN- 785621

4:THE BRANCH MANAGER
ASSAM GRAMIN VIKASH BANK
GAR ALI BRANCH
P.O. JORHAT
P.S. JORHAT
DIST.- JORHAT
ASSAM
PIN- 785001

5:RANJAN ROY
S/O- PRAHLAD ROY
R/O- MITHAPUKHURI ROAD
P.O. JORHAT
P.S. JORHAT
DIST.- JORHAT
ASSAM
PIN- 78500

For the Petitioner(s) : Mr. S. N. Tamuli, Advocate

For the Respondent(s) : Mrs. M. Dey, Standing Counsel

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 06.02.2024

1. The learned counsel appearing on behalf of the Petitioners submitted that in view of the provisions of Section 17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the Act of 2002"), the Petitioners would be well advised to approach the jurisdictional Debt Recovery Tribunal rather than pursue the instant proceedings. He therefore submitted that the Petitioners may be permitted to withdraw the

instant writ petition without prejudice to their rights and claims and the period during which the instant proceedings have been pending be excluded while computing the period of limitation.

2. This Court has duly taken note of the submissions so made and from a perusal of the orders which have been passed, it reveals that the Petitioners have been bonafidely pursuing their remedies under this proceedings. Be that as it may, the dispute involved in the instant proceedings can be decided in a proceedings under Section 17 of the Act of 2002 and as such, this Court closes the instant writ petition on withdrawal and grants the liberty to the Petitioners to approach the jurisdictional Debt Recovery Tribunal.

3. It is also observed that as the Petitioners have been bonafidely litigating the instant proceedings since 17.06.2020, the period from 17.06.2020 till date be excluded while computing the period of limitation. It is also observed that the withdrawal of the instant writ petition shall not prejudice the writ petitioners in their rights and claims over the property in question before the Debt Recovery Tribunal.

JUDGE

Comparing Assistant