

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14711 of 2011

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Bihari Sah, S/O Late Sheo Nandan Sah, resident of Vill.- Karnamepur, P.S.-
Sahpur, Distt.- Bhojpur (Ara)

.... Petitioner/s

Versus

1. The State Of Bihar, through its Chief Secretary, Govt. of Bihar, Patna
2. Regional Development Manager, Madhya Bihar Gramin Bank, Ara
3. The Branch Manager, Madhya Bihar Gramin Bank, Karnamepur, Bhojpur, Ara
4. Officer In-Charge, Shapur Police Station and OP Incharge, Karnamepur, Ara

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiopujan Singh, Adv.
For the MBGB : Mr. M.N. Parbat, Sr. Adv.
Mr. Praveen Prabhakar, Adv.
For the State : Mr. Priyank Deepak, AC to SC-19.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date: 05-04-2016

Heard learned counsel for the petitioner and the respondents.

2. The present writ petition has been filed for a direction to the respondents to not recover the amount of Rs. 7,58,453/- from the petitioner which had been taken as loan from the Madhya Gramin Bank Karnampur amounting to Rs. 3,50,000/- on 07.11.1997 to purchase the Tata Maxi No. 709 bearing Reg. No. BR-3P/0080.

3. Learned counsel for the petitioner submits that the petitioner has deposited about Rs. 3,54,000/- on various dates against the amount of Rs. 3,50,000/- taken from the Bank.

4. It appears that pursuant to notice under Section

13(2) of the SARFAESI Act, the petitioner filed his objection by way of a representation filed through registered post.

5. Learned counsel for the respondent Bank, on the other hand, refers to the counter affidavit and states that such representation of the petitioner filed under Section 13(3 A) of the SARFAESI Act has since been disposed by letter no. NPA/15-16/737 dated 03.11.2015 (Annexure-A). No further steps have been taken by the Bank against the petitioner for recovery of its dues.

6. Having heard the parties and on consideration of the materials on record, this Court does not find any merit in the writ petition. The fact that the petitioner's objection have now been disposed of by the respondent Bank is not in dispute. Significantly, the rejection of the petitioner's representation as aforesaid has not been challenged by the petitioner by seeking that the same be set aside. The petitioner has also not been able to satisfy this Court that any immediate steps for recovery have been initiated by the Bank.

7. The writ petitioner accordingly stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/-

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