

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9988 of 2021

Abhijit son of Ganesh Prasad Singh resident of Shahganj Benta, Beside of Shivangan Building, Ward no. 35, Ahila, Police Station- Laheriasarai, District- Darbhanga.

... .. Petitioner/s

Versus

1. The Zonal Manager, Axis Bank Ltd. RL and P- Collection and FCU Patna, Loan Centre, Usha Square Apartment, Kankarbagh Main Road, Near Jalan Shop, Patna- 800020.
2. The Branch Manager, Axis Bank Ltd. Branch- Darbhanga.
3. The General Manager, Reserve Bank of India, South Gandhi Maidan, Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Parijat Saurav, Advocate
For the Respondent/s : Mr.Kaushal Kumar Jha, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 15-12-2021 Petitioner has prayed for the following relief(s):-

“i) For issuance of writ in the nature of certiorari or any other appropriate writ or order for quashing the pre-sale notice issued by the respondent no. 1 dated 09/03/2021, whereby the petitioner has been directed to pay the entire outstanding loan amount of Rs. 17,34,868/- (Rs. Seventeen lakh, thirty four thousand, eight hundred and sixty eight only) along with charges and interest, failing which the vehicle of the petitioner, which was wrongfully and illegally taken possession of by the respondent bank, would be put to sale.



ii) For issuance of writ in the nature of certiorari or any other appropriate writ or order for quashing the repossession inventory of vehicle dated 16/02/2021 whereby the Mahindra Scorpio Car of the petitioner bearing registration number BR 06 PE 4935 was illegally and forcibly possessed by the recovery agent of the respondent no. 1 and 2 bank by circumventing the mandatory provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) and the Security Interest (Enforcement) Rules, 2002, and further be pleased to issue a writ in the nature of mandamus directing the respondent bank to restore the possession of the car (Mahindra Scorpio Car of the petitioner bearing registration number BR 06 PE 4935) to the petitioner.

iii) During pendency of this writ application, be pleased to restrain the respondent no. 1 and 2 from putting the car of the petitioner on sale and creating third-party rights therein.

iv) For issuance of an appropriate writ, order or direction to the respondent no. 3 to take cognizance of the illegal actions of respondent no. 1 and 2 Bank in circumventing and not following the law of the land mandated in the SARFAESI Act and the sub-ordinate Rules in the case of the petitioner for taking illegal forcible possession of the car of the petitioner; and take suitable legal action against the respondent no. 1 and 2 Bank.

v) In alternate, be pleased to provide liberty to the petitioner to file an application under Section 17 of the SARFAESI Act, and be pleased to direct the



Debt Recovery Tribunal, Patna to entertain and decide the said application on merit.

vi) For issuance of any other appropriate writ, order or direction which your Lordships may deem fit and proper in the facts and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioner seeks permission to withdraw the present petition for the reason that the grievances of the petitioner stand redressed.

Petition is disposed of as having become infructuous.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

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