

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2263 of 2022

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Khudneshwar Mahadev Cold Storage through its partner and signing authority Alok Kumar, aged about 45 years, Son of Late Lakshmi Narayan Sahu, resident of Village and Post Teghra, P.S. Teghra, District - Begusarai, 851133.

... .. Petitioner/s

Versus

1. The State Bank of India through its Chairman having its registered office at corporate center, Maddam Camma Road, Nariman Point, Mumbai - 400021.
2. The Regional Manger, State Bank of India, South Gandhi Maidan, Patna.
3. The Manager SME, State Bank of India, South Gandhi Maidan, Patna.
4. The Branch Manager, State Bank of India, Begusarai.
5. The Relationship Manager SME, State Bank of India, Branch Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jai Vardhan Narayan, Advocate
		Mr. Sarvendra Kumar Verma, Advocate
For the Respondent/s	:	Mr. Sanjiv Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-06-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“1.(I) Issuance of directions orders or writs in the nature of mandamus directing the respondents to make the full and final settlement of the Asset Backed Loan (ABL) bearing A/c No. 38096476135 from Btate Bank of India, SME Branch, Dak Bungalow Road, Begusarai availed by the Petitioner by selling off the mortgaged property by executing a tripartite agreement between the borrower, bank and the prospective



purchaser of the mortgage property and to take the payments of the sale proceeds directly to the bank and in case any amount remains due, the same would be paid by the borrower as the business and the entire firm of the petitioner has been badly affected by the impact of the pandemic COVID 19 as also because of the ongoing treatment of his son suffering from myopathy, a deadly disease of skeletal muscle.

II. Issuance of directions orders or writs in the nature of mandamus directing the respondents not to disturb the petitioner in the smooth functioning of the cold storage which is the only source of his business and for his livelihood.

III. Any other relief or reliefs for which the petitioner may be deemed entitled to.”

In view of the fact that Debts Recovery Tribunal is now functional, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition with liberty to take recourse to such other appropriate remedies, as are otherwise available, in accordance with law.

Permission granted.

As and when any such request is made by the petitioner before the Tribunal, the same shall be considered and decided expeditiously.

Needless to add, period for which the petitioner has been pursuing the matter before this Court, shall be excluded for



the purpose of condonation of delay.

The petition stands disposed of as withdrawn with the liberty aforesaid.

Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.07.2022
Transmission Date	NA

