

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4094 of 2022

Vikash Kumar Son of Parmanand Singh, Proprietor M/S Libaz, Resident of Village - Chandanpura, P.O. - Jamalpur, P.S. Naya Ram Nagar, District - Munger.

... .. Petitioner/s

Versus

1. Bank of Baroda through its General Manager (Principal Nodal Officer) Baroda Bhawan 7th Floor R C Dutta, Vadordara (Gujarat).
2. The Deputy General Manager, Bank of Badora, 5th Floor Boring Canan Road, Patna 800001.
3. The Authorized Officer, Bank of Baroda, Munger Branch, Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan, Adv.
For the Respondent/s : Mr.Vivek Prasad, Adv.

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 05-05-2022 Petitioner has prayed for following relief (s) : -

I. To issue an appropriate order/s, direction/s including a writ in the nature of CERTIORARI for quashing the Notice dated 16.09.2021 under Section 13 (2) of the SARFAESI Act 2002 to calling upon the petitioner to pay in full and discharge liabilities to the Bank aggregating Rs. 22,58,242.42/= (Rupees Twenty Two Lac Fifty Eight Thousand Two Hundred Forty Two and Paise Forty Two only) plus unapplied interest unserved interest and other charges as applicable within 60 Days from the date of notice failing which bank shall



exercise its powers under Section 13 (4) of the SARFAESI Act 20002.

II. To quash the possession Notice dated 01.02.2022 under Rule 8 (1) of the Security interest (Enforcement) Rules 2002 issued from the office of Respondent No. 3 whereby and whereunder bank has taken possession of immovable party duly mentioned in the notice under the heading of DESCRIPTION OF THE the IMMOVABLE PROPERTY.

III. To any other relief/s to which the Petitioner may be found entitled in the facts and circumstances of the case.”

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.

The petition stands disposed of as withdrawn with the liberty aforesaid.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

K.C.Jha/chn

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