IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4071 of 2022

==

1. Shivendra Mohan S/o Late Manvendra Mohan, resident of Flat No. 303, 3rd Floor, Anpurna Complex, Naya Tola, P.S. Kadamkuan, Town and District Patna (Bihar) - 800004.
2. Smt. Anju Devi, W/o Shivendra Mohan, resident of Flat No. 303, 3rd Floor, Anpurna Complex, Naya Tola, P.S. Kadamkuan, Town and District Patna (Bihar) - 800004

... ... Petitioner/s

Versus

1. Union of India through its Secretary, Department of Finance, Govt. of India, New Delhi.
2. General Managing Director, Dakshin Bihar Gramin Bank, Head Office at Patna.
3. The Regional Manager, Regional Office, Dakshin Bihar Gramin Bank, Head office at Patna.
4. The Authorize Officer, Dakshin Bihar Gramin Bank, Patna.
5. The Branch Manager, Ramjaipal Nagar Branch, Dakshin Bihar Gramin Bank, Patna.

... ... Respondent/s

==

Appearance :

For the Petitioner/s : Mr.Rakesh Ranjan, Adv

For the Respondent/s : Mr. Dr. K.N. Singh (ASG)

==

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

ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-05-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

> "(i) For quashing of entire proceeding under securitization and reconstruction of Financial Assets Act, 2002 as well as the auction notice dated 03.02.2022 by which the Bank in illegal manner going to be auctioned the property of

the petitioner as well as the declaration of NPA of the petitioner account may be declared to be illegal whereby and whereunder the Respondent Bank without following the guidelines of RBI take cursive major under SARFAESI Act, 2002 which is illegal and not sustainable in eye of law.

(ii) For declaring the action of the Respondent Bank which is initiated under SARFAESI Act, 2002 may be illegal and void.

(iii) For declaring the action of the Respondent is illegal and not sustainable in eye of law.

(iv) For declaring that the action of the Bank is based on fraud and not sustainable in eye of law."

In view of the fact that Debts Recovery Tribunal is now functional, learned counsel for the petitioners, under instruction, 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 petitioners before the Tribunal, the same shall be considered and decided expeditiously.

Since petitioners have been pursuing the remedies before this court, the question of limitation shall not come in the way moreso in view of the current pandemic COVID-19.

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)

ranjan/-

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