

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4942 of 2022

=====

Nishkalank Kumar Gautam, Son of Fani Bhushan Choudhary Resident of
Village - Garhi Rampur, Ward No. - 1, Post - Nawagarhi Police Station-
Nayaram Nagar, District - Munger.

... .. Petitioner/s

Versus

1. Punjab National Bank through the Zonal Manager, Address R Block, 2nd Floor, Near Chankya Hotel, Veer Chand Patel Path, Patna, PIN - 800001.
2. The Authorized Officer, Punjab National Bank, Branch - Nawagarhi, District - Munger, Pin - 811211.
3. The Branch Manager, Punjab National Bank, Branch - Nawagarhi, District - Munger. Pin - 811211.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar Verma, Advocate
For the Respondent/s : Mr. Kumar Priya Ranjan, Advocate

=====

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

Date : 13-05-2022

Petitioner has prayed for the following relief(s):

“(I) For issuance of an appropriate writ/writs, order/orders, direction/directions in nature of certiorari for quashing the possession notice dated 04.12.2021 (i.e. Annexure-2) issued under the signature of Authorized Officer, Respondent No. 2 whereby and where under the Respondent No. 2 had taken the possession of property on the ground that petitioner has failed to re-pay the installment of term loan amount since 01.09.2021.



The respondent no. 2/Authorised Officer has taken the possession of property of the petitioner on 4th December 2021 without follow of rules under section 13(2) or under section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

(III) For that property in question is only the residential house of the petitioner and as well as locked down in the country due to COVID-19 petitioner could not make payment of installment of term loan also pray for stay the further proceeding against the petitioner.

(IV) For issuance of an appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under 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)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	18.05.2022
Transmission Date	

