

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4997 of 2022

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Himanshu Kumar, Son of Sri Ram Krishna Bharti At Housing Board Colony,
Barari, Bhagalpur, Post - Barari, Police Station - Barari, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Home Commissioner, Old Secretariat, Patna Bihar.
2. The Director General of Police, Rajwanshi Nagar, Nehru Marg, Patna.
3. Senior Superintendent of Police, Collecteriate Road, Bhagalpur.
4. Branch Manager, Indusind Bank Ltd. First Floor, Ambika Sada, Lal Bagh N.R Police Line Bhagalpur, Police Station - Ishakchak District- Bhatgalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate

For the Respondent/s : Mr.Md.N.H.Khan, SC 1

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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):

“ For direction/order to the Respondent Authorities, specially the Senior Superintendent of Police Bhagalpur to get the Truck of petitioner Registered No. BR-10GB-8107 be seized from the possession of Respondent No. 4 Branch Manager, Indusin Bank Ltd. First floor Ambika Sadan LalBagh N.R. Police Line Bhagalpur Police Station Ishakchak District Bhagalpur. Who had seized the Truck of the Petitioner on 17.02.2022 within P.S.-Maina in the District or Jalpayiguri West Bengal on the ground of due of some loan amounts with compound Interest



etc due against the petitioner while using force, through goons on road without any order of any court or, DRT, under SARFAESI ACT-14 of the SARFAESI ACT, which speaks that even after any order of DRT the vehicle be only be seized through District Magistrate/CJM of area. Besides, the Respondent No. 4, Indusind Bank also violated the ruling of Apex Court in case of Shanti Devi Sharma versus ICICI Bank, reported in (2008) SCC Vol-VII Page 532, and the order of Hon'ble Court Patna on the same point in the case of Sujay Kumar Versus UCO Bank reported in BLJ-2020 Page-96 and another Judgment on the same point reported in the case of Inderjeet Kumar Versus Tata Motor Finance Ltd. Reported in PLJR Vol-1 Page 532..”

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	

