

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5409 of 2022

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Shakil Ahmad Raza, S/o Hazi Md. Mohasin, Resident of Village/Mohalla -
Bithan Ward No. 10, P.O. - Bithan, District - Samastipur.

... .. Petitioner/s

Versus

1. The State Bank of India, through the General Manager SARB, SBI, Patna.
2. The Assistant General Manager, Authorized Officer, SARB, State Bank of India, 2nd Floor, Patna Main Branch Building, Patna.
3. The Regional Manager, SARB, SBI, Samastipur.
4. The Branch Manager, SBI, Samastipur.
5. Prabhat Kumar (Auction Purchaser) S/o Ashok Kumar Yadav, R/o Sapna Bharat Gas, Ward No. 10, Bithan, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Ranjan, Advocate
For the Respondent/s : Mr.Sanjay Singh Thakur, Advocate

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 17-05-2022 Petitioner has prayed for the following relief(s):

“I. For writ in nature of certiorari for quashing of the entire SARFAESI Act 2002 proceeding initiated by the respondent authorities of the Bank, as petitioner being borrower is ready to repay the entire amount.

II. For directing and commanding the respondent authorities of the Bank not to disturb the peaceful possession of the petitioner on the land in question situated at mauza Bithan, Paragana Parri, Thana 343, Tauzi no. 1880,



khata no. 280, khesra no. 930, P.S anchal District Samastipur, as Petrol pump is installed on the same piece of land and the same is source of livelihood for winning bread for his family members and for himself, moreover, the petitioner is ready to repay entire dues amount within 1 year in installments after waving the interest.

III. For directing the respondent authorities Bank to allow the petitioner to repay the entire dues amount in installments within 1 year after waving the interest.

IV. For directing and commanding the respondent authorities to consider the matter sympathetically and wave the interest, as after investing huge amount in running of petrol pump, but the same is not functional now because of illness of the petitioner and the small piece of land is source of livelihood for the petitioner and his family members and the petitioner was seriously ill and was not in good mental state during that period and that is why he was unable to run the petroleum outlet.

V. For any other relief or reliefs for which the petitioner is entitled under law in the facts and circumstances of the present case.”

In view of the fact that now D.R.A.T. is functional, learned counsel for the petitioner, under instructions, states that, the petition may be permitted to be withdrawn, with liberty to



file an appeal before the D.R.A.T. or to initiate appropriate proceedings before the appropriate forum and to take recourse to such other alternate remedies which are equally efficacious in law.

Prayer allowed.

Petition is disposed of as withdrawn with the liberty aforesaid.

Should the petitioner file the appeal within a period of four weeks from today, since the petitioner has been pursuing remedies before this Court, the issue of limitation shall not be allowed to come in the way and the appeal shall be heard on the merits on the basis of materials available on record.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

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