

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6208 of 2022

Shahid Anwar, son of Md. Ibrahim proprietor of M/s Mask Advertising, C/o Shanit Medical Hall, Chowk Sikarpur Nalapar, Patna City, Patna 800009, Dist Patna. Petitioner/s

Versus

1. The IDBI Bank Limited having its Corporate Office at IDBI Tower, WTC Complex, Cuffe Parade Mumbai-400 005 through its Managing Director and Chief Executive Officer.
2. The Managing Director and Chief Executive Officer, IDBI Bank Limited having its Corporate Office at IDBI Tower, WTC Complex, Cuffe Parade Mumbai-400 005.
3. The General Manager, IDBI Bank Limited Regional Office, Kashi Place, Ground Floor, Kashi Place Complex, Dak Bungalow Road, Patna.
4. The Authorised Officer cum Chief Manager, IDBI Bank Ltd., Retail Recovery Department, Regional Office, Kashi Place, Ground Floor, Kashi Place Complex, Dak Bungalow Road, Patna.
5. The Branch Manager, IDBI Bank Ltd., Branch Office, Chowk, Patna City (Patna).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh, Advocate
For the Respondent/s : Mr.Santosh Kumar @ Santosh Satyarthi

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-06-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

- i. For quashing of possession taking notice dated 05.04.2022 where under and whereby possession of immovable property admeasuring area 1 katha land held by Zahid Anwar Mansion situated at Mauza Nawada PS Phulwari Sharif Patna Taluza no.3443 survey plot no.71 Khata no.37 (P) Thana no.39 under sub registry at Phulwari Sharif and Sadar registry at Patna, has been taken over by the bank authorities behind the back of the petitioner without assessing its true valuation for alleged loan dues of Rs.42, 85, 670=52.

- ii. For quashing of letter dated 25.01.2022 issued under signature of Authorised officer cum Branch Head, Regional Office IDBI Ltd., Patna where under and whereby notice has been issued U/s 13 (2) without giving notice for declaring the account in question as NPA for Rs.40, 99, 234.82 as on 02.10.2022.
- iii. Further for restraining the authorities of respondent bank to put immovable property under equitable mortgage comprising of land and building on auction in view of fact that the petitioner is ready to pay the entire loan amount in instalment and also is willing to run his advertising business.
- iv. And /or pass such other order/orders to which petitioner is entitled in the facts and circumstances of this 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.

Needless to add, the period for which the petitioner has been pursuing the matter before this Court, shall be excluded for the purpose of condonation.

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)

Sanjay/- Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.06.2022
Transmission Date	NA