IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10031 of 2019

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M/s Shakti Automobile Ganga Bridge Road, Golambar Buxar, Distt.- Buxar Proprietor Amrendra Kumar Chaubey (Male) Aged about 56 Years, son of Shri Sidheshwar nath Chaubey, resident of Village- Dal Sagar, P.s.- Buxar(Ind), Distt.- Buxar

... ... Petitioner/s

Versus

1. The Chairman Allahabad Bank 2 Netaji Subash Road, Kolkata-700001
2. The Regional Manager Allahabad bank, H.O. Kotwali, Chauraha, Budh Marg, Patna-800001
3. The Branch Manager Allahabad bank, Methodist Hospital, Pratapsagar, P.s.- Dumraon, Distt.- Buxar
4. The Branch Manager through collecting centre of the Universal Sampo General Insurance Co. Ltd., Branch Purana Bhojpur, Police Station- Dumraon, Distt.- Buxar
5. The Managing Director The Universal Sampo General Insurance Company Limited, Zonal Office- 401, 4th Floor, Shalimar Logix, 4 Rana Pratap Marg, Lucknow (U.P.) 226001
6. The Branch Manager Universal Sampo General Insurance Co. Ltd. 2nd Floor, Magadh Plaza, Balmichak, Anishabad, Patna-800002
7. The General Manager Mahindra Gujarat Tractor Ltd. Near Vishwsamitri Railway Over Bridge, Vishwamitri, Vadodara, Gujrat

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Nil Kamal, Advocate
For the Respondent/s	:	Mr. Shambhu Nath, Advocate
		Ms. Aishwarya Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-11-2022

Petitioner has prayed for the following relief(s):-

> "For issuance of any appropriate writ, a writ of certiorari to quash the impugned notice dated 19.02.2019 vide Ref. No. ARMB/SARFAESI/2018-19/446 issued by

Respondent no. 2 under section 13(2) of the SARFAESI Act; alleged outstanding dues as on 19.02.2019 of Rs. 22,10,587 (Twenty two lakhs, ten thousand five hundred eighty seven rupees) against cash credit limit amount of Rs. 20,00,000/- (Twenty lakhs rupees) which is illegal and without any demand notice, without declared Non-Performance Account (NPA) and without consideration the Insurance claim of petitioner, which has been assigned by him through his tied up insurance company (Respondent no. 5) and the Fixed Deposit amount of petitioner about more than 15.00 lakhs rupees also be illegally diluted to respondent no. 7 without information or inn spite of objection of petitioner.

And further be pleased to issue a writ of mandamus and direct to the respondents to consider the applicants of petitioner contained as Annexures-2,4,6 & 8 of the petition and a speaking order upon the same.

And further be pleased to pass any appropriate order or orders as your Lordships may deem fit and proper.

And further be pleased to stay the operation of impugned notice contained as Annexure-7 till the disposal of this writ application."

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content, if the petitioner is permitted to approach Respondent No. 3, namely, The Branch Manager, Allahabad Bank, Methodist Hospital Pratapsagar, P.S.-Dumraon, District- Buxar, enabling the petitioner to submit a complete proposal accounting for all factors, including the issues subject matter of the present *lis*.

Liberty, as prayed for, is granted.

As and when any such request is received on behalf of the petitioner, the same shall be considered and decided expeditiously preferably within a period of two months thereafter.

Liberty reserved to the petitioner to initiate proceedings should the need so arise.

Learned counsel for the Respondent-Bank states that no proceedings under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002, stands initiated.

Petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	24.11.2022
Transmission Date	