

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7647 of 2022

Radhey Shyam Singh S/o Late Balram Singh, resident of Village-Bahpura,
P.S.-Ramgarh, District-Kaimur at Bhabhua. Petitioner/s

Versus

1. The Punjab National Bank through its Zonal Manager, R. Block, Patna.
2. The Zonal Manager, Punjab National Bank, R. Block, Patna.
3. The Regional Manager, Punjab National Bank, Ara.
4. The Chief Manager-cum-Authorized Officer, Circle Office, 1st Floor, Mahuli Kothi, Near Peer Baba More, Ara-802301.
5. The Branch Manager, Punjab Nation Bank, Gorsara Branch, kaimur at Bhabhua
6. The Deputy Director, Institutional Finance Directorate, Government of Bihar, Old Secretariat, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Vijay Kumar, Advocate
For the Respondent/s	:	Mr.Kumar Priya Ranjan, Advocate
		Mr. Ankur Apurv Singh, Advocate

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

Date : 27-07-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

- I. For quashing the notice dated 21.09.2020 issued by the Respondent No.4 under section 13(2) of the SARFAESI Act,2002, whereby the petitioner has been asked to pay Rs. 12,14,693/- due up to 01.01.2020.
- II. For further to quash the possession notice issued by Respondent no.4 dated 25.03.2022 under section 13(4) of SARFAESI Act, whereby the respondent no. 4 has taken notional possession of

the mortgaged property and the petitioner has been asked to deposit the afore stated amount of Rs. 12, 14,693/- with interest thereon within 16 days from the date of receipt of notice.

- III. For further direction upon respondent authorities to conduct enquiry with regard to representation filed by the petitioner stating therein that the amount released by the Government of India under heading "subsidy" amounting to Rs. 8, 75,000/- has wrongly not been adjusted against the due amount of the petitioner.
- IV. For further direction upon the respondent authorities to adjust the wrong withdrawal of Rs. 30,000/- by the Bank authorities on 08.08.2016 as well as "subsidy" amounting to Rs. 8, 75,000/- and further to hand over the copy of insurance.
- V. For further direction upon the respondent authorities restraining them to take any coercive action against the petitioner till disposal of the present writ application.
- VI. For any other relief or reliefs for which the petitioner is found entitle in the fact 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.

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

At this stage, learned counsel for the petitioner submits that the petitioner is ready and willing to pay the due amount within 6 months. Petitioner shall approach the Bank within one month from today.

If the petitioner were to do so, the respondent shall take appropriate action in accordance with law.

The petition stands disposed of with the liberty aforesaid.

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

(Sanjay Karol, CJ)

Sanjay/- Ranjan

(S. Kumar, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.07.2022
Transmission Date	NA