

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8907 of 2022

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Surendra Mistri, Son of Bindeshwar Mistri @ Bindeshwar Prasad, Resident of
Village- Sirdala, P.S. Sirdala, District Nawada.

... .. Petitioner/s

Versus

1. The Indian Bank through its Zonal Manager, Zonal Office, South Bisar Talab Road, Gandhi Maidan, Gaya.
2. The Zonal Manager, Zonal Office, South Bisar Talab Road, Gandhi Maidan, Gaya.
3. The Branch Manager, Main Branch, Indian Bank, Par Nawada, Gaya Road, Nawada.
4. Umesh Kumar Son of Bindeshwar Prasad Proprietor of M/s Roh Bharat Gas Gramin Bitrak, near Viru Kuan, P.S. Roh, District Nawada.
5. The Officer Incharge, Roh Police Station, Roh District Nawada.
6. The State of Bihar through the Principal Secretary, Home Department, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Devendra Prasad Singh, Advocate
For the Respondent/s	:	Mr. Md. Nadim Seraj, GP-5
		Dr. Binay Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

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Date : 29-07-2022

Heard learned counsel for the parties.



The petitioner has prayed for the following relief/s :-

“That the present writ application in the nature of mandamus directing and commanding the respondents Bank to release the land of the petitioner bearing Khata No.73, Khesra No.6408, New Khata No.132, New Khesra no.9375, Area 15.5 Decimals which has been mortgaged by private respondent Umesh Kumar with the respondent Bank against loan bearing Account No.5026899821 and has opened Gas Agency in the name and style of M/s Bharat Gas Gramin Bitrak.

Further direction be issued to the respondent Bank directing therein to take legal action by lodging criminal case against the private respondent Umesh Kumar who has played fraud with the Bank by mortgaging the land of the petitioner and succeeded in obtaining loan from the Bank.

Further a writ in the nature of prohibition be issued prohibiting the respondent Bank in taking any action under the SARFAESI Act against the present petitioner and to quash the letter dated 16.04.2022 and 1.6.2022 as well as for taking any legal step against the petitioner and his land in connection with the loan in question of private respondent Umesh Kumar.

And any other relief/reliefs be granted to the petitioner for which he is



entitled under the law.”

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 or the respondent-bank, 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)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	03.08.2022
Transmission Date	

