

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9624 of 2022

=====

Manik Roy Son of Shri Sudhir Chandra Roy Resident of Vivekanand Colony,
Near Rajni Chowk, Post- Bhatta Bazar, P.S. K. Hat, District - Purnea- 854301
proprietor of Raj Lokkhi Jewellery and Plating at Jhanda Chowk, Bhatta
Bazar, District - Purnea, Bihar - 854301

... .. Petitioner/s

Versus

1. Union Bank of India (formerly known as Corporation Bank), having its Registered Office at Union Bank Bhawan, 239, Vidhan Bhawan Marg, Nariman Point, Mumbai, Maharashtra - 400021 through its Chairman Cum Managing Director.
2. Union Bank of India (formerly known as Corporation Bank), Field General Manager Office, 4th Floor, Royal Square Building, Above Firayalal NXT, Argora Chowk, Ranchi, Jharkhand - 834002 through its Field General Manager.
3. Union Bank of India, (formerly known as Corporation Bank), Regional Office, 1st Floor, Gayatri Complex, Opposite Head Post Office, M.G. Road, Bhagalpur, Bihar- 812001 through its Regional Manager.
4. Union Bank of India, (formerly known as Corporation Bank), Kali Bari Chowk, Bhatta Bazar, Purnea, Bihar - 854301 through its Branch Manager.
5. The State of Bihar through the District Magistrate cum Collector, Samaharnalaya, R.N. Sha Chowk, District- Purnea, Bihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Alok Kumar Jha, Adv
For the Respondent/s	:	Mr.Anil Kumar Singh (GP 26)
For the UOI	:	Dr. K.N. Singh (ASG)

=====

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

Date : 05-08-2022

Heard learned counsel for the parties.

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

- a) For issuance of a writ or order or direction upon the respondents specially the respondent no. 4 to restore the possession taken by the aid of police force deployed under order dated 19.05.2022 passed by Sub-Divisional Officer, Sadar, Purnea of the residential premises which was kept as a mortgage against the Cash Credit loan availed by the petitioner;
- b) For issuance of a writ or order or direction to quash the order/direction passed by the respondent number 5 upon application filed under section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 [hereinafter referred to as "the Act" for short];
- c) For a direction upon the respondent no. 4 and all concerned to maintain the status quo ante and further not to disturb the physical possession on account of the process initiated by the respondent bank being full of illegalities as any of the procedure contemplated in the act has not been followed and also violative of the fundamental rights as well natural justice;

- d) For a direction upon the respondent number 4 to provide all loan related documents and the notices issued against the recovery measures opted by the respondents with the proof of service of the same;
- e) For any other relief or reliefs to which the petitioner is found entitled in the facts and circumstances of this case.

Learned counsel for the respondent states that in terms of and pursuant to the auction, the sale certificate stands issued; sale deed registered and possession handed over to the successful bidder.

In view of the fact that Debts Recovery Tribunal is now functional, learned counsel for the petitioner, under instruction, 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 petitioners 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.

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)

ranjan/-

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