

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14521 of 2021

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Kumar Harendra Lal, Proprietor of Harendra Rice Policer, Madhopur, aged about 43 years (M), son of Sri Suresh Sao, resident of Village- Madhopur, P.S.- Chandi, District- Nalanda.

... .. Petitioner/s

Versus

1. The Union of India through the M.D. (Managing Director) Punjab National Bank, a Financial Service Bank, owned by the Government of India, H.O. New Delhi.
2. The Zonal Manager, Punjab National Bank, Zonal Office, R. Block, 2nd Floor, Veer Chand Patel Path, Patna- 800001 (Bihar).
3. The Chief Manager, Punjab National Bank Circle Shastra Centre, Biharsharif, District- Nalanda.
4. The Authorized Officer-cum Branch Manager (Recovery Section), Punjab National Bank, Branch- Chasndi, District- Nalanda- 803108.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Mokhtar Ansari, Advocate
For the Respondent/s : Dr. K.N. Singh, ASG

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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.)



Date : 28-01-2022

Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s

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That this is an application for issuance of writ in the nature of writ of certiorari, mandamus or any other appropriate writ or writs, order or directions commanding the respondents by quashing the notice dated 28.07.2021 (Annexure-8), by which the Respondent No.3 has illegally intended to put the valuable security of landed property of worth rupees 90 lakhs (Rs.90,00,000/-) to deliver possession of the secured assets mortgage property before 28.7.21 failing which the authorized officer



Punjab National bank (secured creditor) will take possession of the secured assets on or after 15.08.2021 at any time between 10.00 A.M. to 17.00 P.M. against the outstanding loan amount of about Rs.46,00,000/- (Forty six lacs) left upon the petitioner to pay inspite of the petitioner undertakes to repay the entire amount left unpaid by the end of November 2021 and the respondent be further directed to grant a grace of time till the end of November 2021 due to "Covid-19" has become a serious challenge in the society at the present.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to initiate appropriate proceeding in accordance with law.

Prayer is allowed.

As such, petition stands disposed of as withdrawn



in the following terms:-

- (a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);
- (b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;
- (c) The order assigning reasons shall be communicated to the petitioner;
- (d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;
- (e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;
- (f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;
- (g) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law, with reasonable



dispatch;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits. All issues are left open;

(j) The proceedings, during the time of current Pandemic-Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	29.01.2022
Transmission Date	

