IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10963 of 2022

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Renu Kumari Wife of Sri Om Prakash, Proprietor of Puja Enterprises, Resident of Mohalla - Madhuria, P.S. - Laheri, District - Nalanda (Biharsharif), Presently residing at Village and Post and P.S. - Telhara, District - Nalanda.

... ... Petitioner/s

Versus

1. The Dakshin Bihar Gramin Bank through its Managing Director, Bihar, Patna.
2. The Managing Director, Dakshin Bihar Gramin Bank, having his Office, Head Office Sri Vishnu Commercial Complex, NH - 30 New Bypass, Near B.P. Highway, Pin Code - 800016, Patna (Bihar).
3. The Regional Manager, The Dakshin Bihar Gramin Bank having his Office - Garhpar, P.S. - Biharsharif, District - Nalanda.
4. The Chief Branch Manager/Branch Manager Dakshin Bihar Gramin Bank, Amber Branch, Biharsharif, Nalanda.
5. Sri Mahendra Kumar Laxmi Recovery Agency Authorized, appointed the Dakshin Bihar Gramin Bank.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Virendra Prasad, Advocate
For the Respondent/s	:	Mr.Mahesh Narayan Parbat, 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 : 12-08-2022

Heard learned counsel for the parties.

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

1. That this application is being filed for issuance of a writ in the nature of certiorari for quashing letter contained in letter No.984/2022, letter No.985/22 dated 22.06.2022 i.e. annexure-10 issued by the Respondents Bank, the Dakshin Bihar Gramin Bank i.e. under section 13(2) of SARFAESI Act 2002 in relates to cash credit loan Account No. 71478700002402 by which the Bank issued said letter to deposit the Housing Loan within prescribed date if not deposited the said amount to take action but in fact that the

petitioner have not taken any Housing loan from the Respondent Bank, but in fact that the petitioner taken Cash Credit Loan on 29.04.2014 for purpose of Oil Mill, the petitioner already deposited the loan amount as per settlement in between respondent Bank through its Munindra Kumar, Laxminy Recovery Agency i.e. Authorized agent appointed by the respondent Bank for recovery the loan amount from the loanee.

2. That be further direct to the Respondent Bank to recovered the loan amount from the authorized recovery agency i.e. Sri Munindra Kumar because the recovery agency was recovered the cash credit loan amount from the loanee i.e. petitioner.

3. That any other relief or reliefs for which the petitioner is entitled may be granted by this Hon'ble Court.

After the matter was heard for some time, finding the Court not to be in favour with the submissions made across the Bar, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to take recourse to such other remedies, as are otherwise available, in accordance with law.

Permission granted.

We are sure that as and when any such proceedings are initiated, before the appropriate forum/Tribunal, the same shall be considered and decided expeditiously, in accordance with law.

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

It is made clear that we have not expressed any opinion on merits. All issues are left open.

The petition stands disposed of as withdrawn with the liberty aforesaid.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	16.08.2022
Transmission Date	