

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17879 of 2019

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Jayram Mahto, S/o Late Dhaneshwar Mahto @ Dhineshwar Mahto, Vill.-
Baranda, p.o.- Baluganj, P.s.- Dhibra, Distt.- Aurangabad, Bihar

... .. Petitioner/s

Versus

1. The Madhaya Bihar Gramin Bank through its Regional Manager through its Regional Manager, Madhaya Bihar Gramin Bank, Regional Office, Kankarbag Road, P.s.- Kankarbag, Patna, District- Patna
2. Regional Manager Madhaya Bihar Gramin Bank, Regional Office, Kankarbag Road, P.s.- Kankarbag, Patna, District- Patna
3. The Branch Manager Madhaya Bihar Gramin Bank, Branch Pawai, P.s.- Risiup, Distt.- Aurangabad, Bihar
4. The Oriental Insurance Company Limited Branch Dehri-on-Sone, P.s.- Dehri-on-sone, Distt.- Rohtas at Sasaram

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjana, Advocate
For the Respondent/s	:	Mr.Mahesh Nr.Parbat, Advocate
		Mr. Madan Mohan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 13-12-2022 Heard learned counsel for the parties.

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

“For issuance of an appropriate writ preferably in the nature of ‘Certiorari’ for setting aside the recall notice dated 25.4.2019 issued under the signature of respondent no.2 by which the petitioner has been directed to deposit sum of Rupees 901602/- as against Loan Account No.7120AU00000053.

Further it is for issuance of an appropriate



writ preferably in the nature of 'Mandamus' commanding upon the respondent authorities to settle the accounts of the aforementioned loan account with the petitioner and to amicably settled the loan account."

It is not in dispute that proceedings, subject matter of the writ petition, are now also pending before the Debt Recovery Tribunal, Patna, constituted under the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

As such, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to pursue the matter before another forum, including the issue, subject matter of the present petition.

Liberty as prayed for is granted.

We only hope and expect that the proceedings before the Debt Recovery Tribunal, Patna would be completed expeditiously, within a period of four weeks.

All issues raised in the present petition, including that of (a) collusion; under valuation and *mala fides*, are left open to be adjudicated by the competent authority.

The instant petition stands disposed of as withdrawn in the aforesaid terms.



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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/Sujit

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