

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12792 of 2022

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M/S Hindustan Electric through its Proprietor Prakash Kumar @ Kundan Kumar, aged about 45 years (male), Son of Dinesh Kumar Arya, resident of village - Mathurapur, Ward No. 13, P.S.- Khagaria, District - Khagaria.

... .. Petitioner/s

Versus

1. The Regional Manager, South Bihar Gramin Bank Regional Office - Sona Jageshwar Complex, Traffic Chowk, Near Savitri Cinema, Begusarai.
2. The Branch Manager, South Bihar Gramin Bank, Mathurapur, P.S. - Khagaria, District - Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate

For the Respondent/s : Mr.Mukesh Kumar No. 1, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(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 : 02-09-2022

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

1. That the present application is directed against the possession notice dated 03.03.2022 issued under the signature of authorised officer South Bihar Gramin Bank, Begusarai who had issued the said notice under Sub-section (4) of Section 13 of Act read with rule 8 of the security interest enforcement rules, 2002 read with rule (3) of the security interest (enforcement) rules, without affording any opportunity of hearing and the



mandatory process of settlement with the loanee was also not offered to the petitioner and bluntly issued the impugned notice violating the principles of natural justice as well as RBI guidelines and attempted to take forceful possession of the property mortgage as concerned security with the bond whereas the petitioner is ready and willing to settle the issue and outstanding dues in instalment relaxable and comfortable to the bank and the petitioner further prayed for issuance of any appropriate writ or writs, rule or direction as this Hon'ble Court may found fit and proper to the facts and circumstances of the case.

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)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.09.2022
Transmission Date	

