

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12531 of 2022

Mr. Mukund Kumar Son of Late Jay Kumar Singh, proprietor M/S Balajee
Coal Depot, resident of Chandrahatti post Chandrahatti Muzaffarpur Kurhani,
Bihar.

... .. Petitioner/s

Versus

Bank of Baroda (erstwhile Vijaya Bank) body corporate constituted under
incorporated under the banking companies (acquisition and transfer of
undertakings) act, 1980 having its head office at Chennai, earlier at 2, N.S.
road, Kolkata - 700001 and now merged into Bank of Baroda, Tilak Maidan
Road Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Archana Sinha @ Archana Shahi
For the Respondent/s	:	Mr.Vivek Prasad, GP-7
		Mr. Siddhartha Harsh, Adv
		Mr. Shadwal Harsh, Adv

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

Date : 08-09-2022

Heard learned counsel for the parties.

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

- (i) For quashing of notice dated 20.11.2021 issued by Bank of Baroda for taking possession of the residential house with vacant land of the petitioner situated in Khata number 245 , Khesra no. 1595,1596,1608,1609 in mauza Chandrahatti Thana no. 166 , Anchal Kurhni P.S- Kurhni District ~ Muzaffarpur .
- (ii) For quashing of notice dated 19.08.2021 by which the demand notice was issued to the guarantor by the respondent bank.
- (iii) For quashing of press publication dated 26.11.2021 for taking possession of residential house with vacant land of the petitioner .
- (iv) For directing the respondent not to create the Third Party Right when the petitioner is ready to pay the loan amount .
- (v) For any other consequential reliefs for which the petitioner is entitled during course of hearing of this writ petition, and in the facts of this case.

In view of the fact that Debts Recovery Tribunal is now functional, learned counsel for the petitioners, 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 petitioners have 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The petition stands disposed of as withdrawn with the liberty aforesaid.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