

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19253 of 2021

1. Anil Kumar Singh Kushwaha Son of Swaminath Singh Resident of Village- Mansar Kumna, P.O.- Kumna, P.S.- Kopa, District- Saran, Pin Code- 841205.
2. Kalavati Devi Wife of Anil Kumar Singh Kushwaha Resident of Village- Mansar Kumna, P.O.- Kumna, P.S.- Kopa, District- Saran, Pin Code- 841205.

... .. Petitioner/s

Versus

1. Indian Bank through the Chairman 254-260, Avvai Shanmugam Salai, Padupte, Goopalapuram, Chennai, Tamil Nadu, 600014.
2. Chairman, Indian Bank, 254-260, Avvai Shanmugam Salai, Padupte, Goopalapuram, Chennai, Tamil Nadu, 600014.
3. General Manager, Indian Bank, New Road, Moti Jheel, Muzaffarpur, 842001.
4. Branch Manager cum Authorised Officer, Indian Bank, Manjhi Branch, Saran, Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raushan, Advocate Mr. Pushkar Bhardwaj, Advocate Mr. Abhay Kumar, Advocate
For the Respondent/s	:	Mr. Rajan Ghoshrahe, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 30-06-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-



- (i) Issuance of a direction, order or writ, including writ in the nature of certiorari quashing the sale notice dated 21/10/2021 issued by the Authorized Officer of the Indian Bank erstwhile Allahabad Bank, Manjhi Branch, by which the petitioners were communicated about the intended sale of the mortgaged property because the petitioners failed to make payment of the availed housing loan facility in the year, 2015;
- (ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the Bank to refrain from selling the property of the petitioners because the procedure for issuance of notice under Section-13 (ii) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interests Act, 2002 (hereinafter referred to as "the SARFAESI Act, 2002") was not followed neither the possession notice was ever served upon the petitioners;
- (iii) Any other relief that the petitioners may be found to be entitled to in the facts and circumstances of the present case.

Learned counsel for the respondent Bank states that the present petition has become infructuous, inasmuch as the petitioner has repaid the amount and the account stands closed.

However, learned counsel for the petitioner could not verify such fact.

Any which way, learned counsel for the petitioner seeks permission to withdraw the present petition reserving



liberty to agitate the matter before the appropriate forum in accordance with law.

Permission granted.

The period for which the petitioner has been pursuing the matter before this Court shall be excluded for the purposes of computing limitation, should the petitioner pursue the matter any further.

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

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

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	04.07.2022
Transmission Date	

