

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20576 of 2021

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M/s Gobardhan Krishi Kendra a proprietorship concern through its proprietor Pramod Kumar, aged about 52 years (Male), Son of Nandlal Prasad, Resident of Kesaria Road, Laxmi Market, Bara Chakia, Chakia, P.O. and P.S.- Bara Chakia, District- East Champaran (Bihar).

... .. Petitioner/s

Versus

1. State Bank of India a body corporate having its corporate office at Madden, Road, Mumbai 400021 and local Head office at West Gandhi Maidan Kama Patna 800001 through its General Manager.
2. Assistant General Manager, Stressed Assets Recovery Branch, State Bank of India, Second Floor, Patna Main Branch Building, Gandhi Maidan West, Patna 800001.
3. The Branch Manager, State Bank of India, Bara Chakia Branch, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Brisketu Sharan Pandey, Advocate
For the Respondent/s : Mr.Santosh Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(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.)

2 10-02-2022 Petitioner has prayed for following relief(s) : -

(i)For issuing writ/writs, order/orders including the writ of certiorari or quashing the letter dated 20.10.2021 issued by Respondent number 2



whereby whereunder the request of the Petitioner to avail the one-time settlement scheme (OTS Scheme) offered by the Bank was rejected.

(ii) For issuing writ/writs, order/orders, including the writ of certiorari for quashing the notice dated 06.11.2021/08.11.2021 whereby the respondent Bank took symbolic possession of the 5 (five) immovable properties i.e.,

(i) Residential Land and Building belonging to Petitioner Located at Mauza- Chakia Bazar. Thana & Anchal & Registry Office-Chakia. District- East Champaran, Bihar having Khata No. 88, Khesra No. 1612/203, Tauzi No. 455, Thana No. 138 Area- 125 Dhur.

(ii) Residential Land and Building belonging to Petitioner Located at Mauza- Chakia i.e. Thana & Anchal & Registry Office- Chakia, District- East Champara, Bihar having Khata No. 17, Khesra No. 1612/202, Tauzi No. 454, Thana No. 136, Area- 4 Dhur.

(iii) Residential land and building belonging to guarantor Sita Devi w/o Nand Lal Prasad, located at Mauza- Chakia, Thana & Anchal & Registry Office Chakia, District- East Champaran, Bihar having Khata No. 17, Khesra No.1612/202, Tauzi No. 454, Thana No. 136, Area- 4 Dhur.

(iv) Residential land and Building belonging to the Petitioner located at Mauja- Chakia, Thana & Anchal & Registry Office- Chakia, District- East Champaran, Bihar having Khata No 17, Khesra No. 1612, Tauji No. 455, Thana No. 136, Area-8 Dhur.

(v) Residential land and building belonging to the Petitioner located Mauza- Chakia, Thana & Anchal & Registry Office- Chakia, District- East Champaran, Bihar having Khata No. 88, Khesra No. 1612/203, Tauzi No. 455, Thana No. 136, Area- 1 Dhur.

(iii) For issuing writ/writs, order/orders



including the writ of mandamus directing the Respondent bank to release the properties (as mentioned above and notice dated 08.11.2021) from the symbolic possession of the bank.

(iv) For issuing writ/ writs, order /orders including the writ of mandamus directing the Respondent bank not to proceed with the auction of the properties (as mentioned above and notice dated 08.11.2021).

(v) For issuing writ/ writs, order/orders including the writ of mandamus directing the Respondent bank to give the petitioner an opportunity to avail the one-time settlement scheme as offered by bank vide letter dated 22.10.2020.

vi. For issuing writ/writs, order/orders including the writ of mandamus directing the Respondent Bank to allow the petitioner to settle its dues after a renegotiation between the parties on conditions as directed by the Hon'ble Court in a time frame which Hon'ble Court deems fit.

vi. For holding that the respondent bank erred in rejecting the request of the petitioner to avail the One Time Settlement Scheme as offered by letter dated 22.10.2020 on the ground of it being time barred, without even considering the grounds of the Covid Pandemic taken by the petitioner for not availing the OTS Scheme in the time prescribed.”

Learned counsel for the petitioner, under instructions, states that, in view of the intervening developments the petitioner has already sought benefit under the O.T.S. Scheme, and seeks permission to withdraw the present petition.

Prayer allowed.

Petition is disposed of as withdrawn.



Interlocutory application, if any, shall also stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/chn

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