

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19739 of 2019

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M/s Ashu Noodles Enterprises Mohalla-Garhpar, Bihar Sharif (Nalanda),
through its Proprietor Jitendra KUMAR @ Jitendra Chauhan, age about 49 Years
Son of Jagdish Prasad Chouhan Resident of Mohalla-Garhpar, Police Station-
Bihar, District-Nalanda at Bihar Sharif.

... .. Petitioner/s

Versus

1. Allahabad Bank through its Chairman, H.Q 2, N.S. Road Kolkatta-700001.
2. Zonal Manager, Allahabad Bank, Gaya.
3. Branch Manager, Allahabad Bank, Garhpar BIHar Sharif, District-Nalanda.
4. Authorized Office, Allahabad Bank, ARMB, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Tewary, Advocate
For the Respondent/s : Mr. Binod Kumar Sinha, APP

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 12-12-2022 Petitioner has prayed for the following relief(s):-

“i) For issuance of a writ in the nature of mandamus or any other appropriate writ, Order or direction for commanding and directing the respondent Bank that the declaration of the petitioner's account bearing Account No. 50280134893 as a Non - Performing Asset (NPA) is not Justifiable and consequently the invocation of Section 13 of the SARFAESI ACT (herein after is 'Act') non existence as the Jurisdiction facts Under Section 13 (3) of the Act would remain Unsatisfied and the action of the respondent Bank Under the SARFAESI Act with respect to the petitioner account is not



tenable.

ii) For issuance of an appropriate writ, order or direction for restraining the Bank from taking coercive steps against the petitioner in consequence of possession Notice issued Under the 13 (4) of the SARFAESI Act r/w Rule 8 (6) of Security Interest (Enforcement) Rules 2002.

iii) For issuance of appropriate writ order or direction for quashing the Notice of E- Auction sale as contained in Annexure 1 to this application.

iv) For issuance of any other relief or reliefs which deems fit and proper under the facts and circumstances of the Case.”

Learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition for the same having rendered infructuous.

Permission granted.

The instant petition stands disposed of as withdrawn.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Bibhash/PKP

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