

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16606 of 2022

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M/S Laxmi Enterprises through its Proprietor Nitesh Kumar aged about 37 years (Male), Son of Sunil Kumar Sinha, Resident of Village- Amar Chhatauni, Near Badkudwa Committee Chowk, Bada Tola road, Police Station- Muffasil Motihari, District- East Champaran.

... .. Petitioner/s

Versus

1. Punjab National Bank through Chief Manager, Regional Manager, East Champaran, Motihari.
2. Chief Manager, Punjab National Bank, Circle Office, East Champaran, Motihari.
3. Branch Manager, Punjab National Bank, Raja Bazar Branch, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate
For the Respondent/s : Mr. Mritunjay Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

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(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.)

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Date : 02-12-2022

Heard learned counsel for the parties.

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

- “(i) To issue rule in the nature of certiorari to quash the notice dated 24.08.2022 issued under Section 13 (2) of SARFAESI Act by the Chief



Manager, East Champaran Motihari, whereby and where under the petitioner has been directed to pay a sum of Rs. 9,86,398.42 + Interest and other charges.

- (ii) To Quash the notice dated 24.08.2022 issued under Section 13 (2) of SARFAESI Act, by the Chief Manager, Motihari, where under the father and mother of the petitioner being guarantor of the said amount (Rs. 9,86,398.42 + Interest and paper publication for that purposes made in Paper Hindustan on 10.11.2022.
- (iii) To quash the possession Notice dated 08.11.2022 fixed at the wall of the house of the petitioner and the Istihar published in news paper dated 09.11.2022 whereby general public were cautioned not to deal with the property.
- (iv) To grant any other relief or relief to which, the petitioner is legally entitled.”

Shri Dhananjay Kumar, learned counsel for the petitioner states that petitioner shall take recourse to the remedies provided under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Also, the petitioner is ready and willing to deposit Rs. 2 lacs.

We are hopeful that as and when any petition is preferred by the petitioner, the Tribunal shall consider and



decide the same expeditiously and preferably within a period of three months.

Respondent Bank undertakes to fully cooperate in the proceedings.

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	06.12.2022
Transmission Date	

