

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6338 of 2018

M/s Progressive Industries Private Limited, a company duly incorporated under the Companies Act 2013, and having its registered office at MIG- 220, Lohiya Nagar, Kankarbagh, Patna, through its Managing Director and Authorised Signatory, Mr. Mrityunjay Kumar, Son of Shri Gangaadhar Yadav, Resident of MIG-220, Lohiya Nagar, Kankarbagh, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principle Secretary, General Administration Department, Govt. of Bihar.
2. The District Magistrate, Gaya.
3. The Senior Superintendent of Police, Gaya.
4. The Officer Incharge, Attri P.S., District- Gaya.
5. The Union Bank of India, through its Managing Director and Chairman, Union Bank Bhavan, 239, Vidhan Bhavan Marg, Nariman Point, Mumbai-400 021, Maharashtra, India.
6. The Branch Manager, Union Bank of India, Main Branch, Abhay Bhavan, Fraser Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vatsal Verma, Advocate Mr. Nishant Kumar, Advocate
For the Respondent/s	:	Mr. Manish Kumar, GP-4 Mr. Alok Kumar, Advocate

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 23-01-2023 Petitioner has prayed for the following relief(s):-

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1. That this is an application praying for issuance of a Writ in the nature of a writ of Mandamus, commanding the Respondent No.2 the District Magistrate, Gaya, to produce the Order no. 235 dated 25.03.2018, passed by the learned District Magistrate, Gaya (Respondent No. 2).



whereby the learned District Magistrate has allowed the application under section 14 of the SARFARSI Act, 2002, filed by the Respondents No.3 and 6, and has assigned the Respondent No. 3 and a duty magistrate to take the vacant possession of the secured assets of Progressive Drums Enterprises and of Progressive Emulsion Bitumen Manufacturer India LLP. The Petitioner further prays for issuance of a writ in the nature of Writ of Certiorari or any other writ, quashing the impugned order dated 05.03.2018, on it being produced, passed by the Learned Respondent No. 2 (District Magistrate). The Petitioner further prays for quashing the three possession notice, all dated 23.03.2018, issued by the Respondent No. 6 (the Bank), deriving force from the order dated 05.03.2018. The Petitioner also prays for quashing of the demand notices dated 23.05.2019 onwards (Annexure -10 series) issued, under section 13 (2) and (4) of the SARFARSI ACT, 2002, and all subsequent notices and orders issued by the Respondent Bank under the SARFARSI ACT, 2002, against the Petitioner arising out of same transactions, as all of such orders, letters being founded on illegal and frivolous grounds.

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After the matter was heard for some time, finding the Court not to be in favour of the submissions made across the Bar, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to take recourse to such other remedies, as are otherwise available,



in accordance with law.

Permission granted.

We are sure that as and when any such proceedings are initiated, before the appropriate forum/Tribunal, the same shall be considered and decided expeditiously, in accordance with law.

Needless to add, period for which the petitioner has been pursuing the matter before this Court, shall be excluded for the purpose of computing limitation.

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

The petition stands disposed of as withdrawn with the liberty aforesaid.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

P.K.P./Amrendra

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