

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16583 of 2017

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Ashok Kumar Raut son of Late Pulkit Raut, Proprietor of M/S Modern Vaishanvi Auto Mobiles, at Mangrauni, Near Gumti No. 13 Anchal Raj Nagar, P.O. Mangrauni, P.S. Raj Nagar, District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Government of Bihar, Patna.
2. The Authorized Officer, Central Bank of India, Regional Office, Alalpatti, District- Darbhanga.
3. The Branch Manager, Central Bank of India, Ganga Sagar Chowk, Bus Stand Road (Branch Code 53), District- Madhubani.

.... Respondents

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Appearance :

For the Petitioner : Mr. Krishna Chandra, Advocate.
For the State : Mr. Kumar Samarjeet Singh, AC to SC-21
For the Bank : Mr. Ajay Kumar Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-11-2017

The present writ petition has been filed for quashing the order as contained in Memo No. 3717 dated 06.11.2017 passed by District Magistrate, Madhubani by which he has passed order for delivery of possession in favour of the secured creditor, Bank; and for connected reliefs.

2. At the very outset, learned counsel for the petitioner states that statutory Appeal No. 156 of 2017 has already been preferred on 05.07.2017 before the Debt Recovery Appellate Tribunal, Allahabad which could not be taken up so far, as the Appellate Tribunal had not been functioning in absence of the Presiding Officer. It is stated on instruction that the Presiding Officer has now been appointed



and is likely to join on 27.11.2017 and the petition for waiver for pre-deposit which has been filed in the said appeal has been fixed for being considered on 07.12.2017.

3. Learned counsel for the respondent-Bank appears and has been heard.

4. In the circumstances, this Court is not inclined to interfere in the matter. The writ petition is disposed of with liberty to the petitioner to approach the Debt Recovery Appellate Tribunal, Allahabad immediately as soon as it starts functioning, with an appropriate petition for redressal of his grievances which may be disposed of in accordance with law.

Md. Ibrarul/BT

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	22.11.2017
Transmission Date	N.A.

