

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13176 of 2015

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Bihar Metal Casting Corporation, Industrial Area, Fatuha, District- Patna through its Proprietor Rajeshwar Prasad, S/o Late Dukhi Prasad, Resident of village- Ahiyapur Musahri, P.O.- Gopalbad P.S.- Sarmera, District- Nalanda.

... .. Petitioner/s

Versus

1. Bihar State Financial Corporation through its M.D. Bihar State Financial Corporation, Bhawan, Fraser Road, P.S. Gandhi Maidan, District/Town- Patna-800001.
2. Branch Manager, Bihar State Financial Corporation Indira Bhawan, 5th Floor, Bailey Road, Patna.
3. Bihar Industrial Area Development Authority through its Executive Director 1st Floor Udyog Bhawan, East Gandhi Maidan, Patna-800004.
4. M/s Subham Raushan Enterprises Pvt. Ltd. through its Sri Anil Kumar, NH-30, Hidayatpur, P.O.- Manjhaul, P.S.- Bakhtiyarpur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prakash Kumar, Adv
For the BSFC : Mr. Partha Sarthy, Adv
For the BIADA : Mr. Girijesh Kumar, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 03-12-2018

The present writ petition has been filed for a direction to the respondent authorities to restore the leased premises pertaining to plot no. B-1 situated at Fatuha Industrial Area, District Patna in favour of the petitioner in view of the fact that the BSFC has not given 21 days notice to the petitioner for sale of mortgaged asset in plot no. B-1 of the petitioner to the respondent no. 4 which is mandatory before the auction sale is made effective in favour of the respondent no. 4; and for connected reliefs.



2. Learned counsel for the respondent-BSFC invites reference to its counter affidavit, *inter alia*, enclosing therewith copies of order of this Court dated 18.03.2016 passed in CWJC No. 9032 of 2009 (M/s Bihar Metal Casting Corporation vs. The State of Bihar and Ors) as well as judgment dated 18.12.2017 in LPA No. 854 of 2016 (M/s Bihar Metal Casting Corporation vs. The State of Bihar and Ors) arising therefrom. It is submitted that the issue sought to be raised in the present writ petition has already been agitated by the petitioner without success in the earlier rounds referred to above.

3. Learned counsel for the petitioner while accepting the stand of the respondent-BSFC submits that the present writ petition has been filed in oversight of the above facts and hence details thereof could not be stated in the writ petition. Accordingly, he seeks permission to withdraw the present writ petition.

4. This Court is unable to appreciate the conduct of the petitioner in seeking to raise an already concluded issue over and again by filing a fresh writ petition without stating the details of the earlier round of litigation. However, this Court refrains from imposing any cost, but only observes



that such conduct of the petitioner is deprecated.

5. As prayed, permission is accorded. The writ petition is dismissed as withdrawn.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.12.2018
Transmission Date	NA

