

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20183 of 2021

Arvind Kumar, Son of Late Mewa Lal Sao, R/o Opp. Nageshwar Mall and
Multiplex, Ramchandrapur, P.S. - Biharsharif, Distt- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, G.A.D., Bihar.
2. The Distict Magistrate, Biharsharif, Nalanda.
3. Branch Manager, Central Bank of India, Nalanda College Branch, Biharsharif, P.S. - Biharsharif, District- Nalanda.
4. The Presiding Officer, Debt Recovery Tribunal, Wings A and B 5th Floor, Karpuri Thakur Sadan, GPOA, near Rajeev Nagar, P.S. Ashiana Digha Road, Patna - 800025.
5. The Recovery Officer, through Debt Recovery Tribunal, Wings A and B, 5th Floor, Karpuri Thakur Sadan, GPOA, near Rajeev Nagar, P.S. - Ashiana Digha Road, Patna - 800025.
6. Avijeet Kumar S/o Late Devendra Prasad Singh H.B. No. 92. Ward No. 21, Garhpar, Biharsharif, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Dubey, Advocate
For the Respondent/s	:	Md. N. H. Khan, SC-1
		Md. Harun Quareshi, AC to SC-1
For the Bank	:	Mr. Ajay Kumar Sinha, Sr. Advocate
		Mr. Ajit Kumar Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-12-2021

Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s :



(i) For issuance of writ in the nature of command directing the respondent no. 5 to not proceed with the R.P. Case No. 92/2014 till final disposal of the Appeal No. 07/2018 filed u/s 30 of the Recovery of Debts and Bankruptcy Act, 1993.

(ii) For issuance of writ in the nature of command directing the respondents to restore the possession of the petitioner in respect to auction property since the entire auction proceeding and R.P. Case No. 92/2014 is completely in violation of settled principle of law and norms settled down by the law of land nonetheless petitioner is ready to deposit entire due amount with interest.

(iii) For issuance of writ in the nature of command directing the respondents particularly respondent no. 4 to disposed of the Appeal No. 07/2018 Arising out of R.P Case No. 92/2014 may be heard on priority basis in the light of order dated 20.02.2020 in CWJC No.24808/2019 or to transfer the appeal before the Ranchi Debt Recovery Tribunal for hearing the Appeal No. 07/2018 and for its disposal.

(iv) For issuance of any other writ/writs, order/orders for which petitioner deemed entitled to.

Learned counsel for the petitioner states that as on date the possession stands handed over to the auction purchaser.

Undisputedly, the petitioner's application/appeal is pending consideration before the Debt Recovery Tribunal.

Learned counsel for the respondents invites our attention to the notification dated 13th of December, 2021, whereby Presiding Officer, Debt Recovery Tribunal, Ranchi has



been given charge of Debt Recovery Tribunal, Patna.

In this view of the matter, the petitioner can conveniently approach the Tribunal for expediting such application.

We direct status quo to be maintained for two weeks by the parties. Thereafter, interim order shall stand automatically vacated.

With aforesaid observation, the writ petition stands disposed of.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	16.12.2021
Transmission Date	

