

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.664 of 2022

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 District 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 : Mr.Manish Kumar (GP-4)

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

Date : 21-02-2022

Heard learned counsel for the parties.

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 and parties may be directed to maintain status-quo till final disposal of Appeal No. 07/2018 since

auction purchaser is negotiating with lathial person of the locality for selling out the land in question.

(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 studded 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 15.12.2021 in CWJC No. 20183/2021 or to transfer the appeal before the Ranchi Debt Recovery Tribunal for its final hearing and disposal of the Appeal No. 07/2018 since ow after 31.12.2021 again post of DRT Patna is vacant.

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

After some argument, learned counsel for the petitioner seeks permission to withdraw this petition with liberty to approach the appropriate/competent forum for redressal of his grievances as permissible in law.

This application is disposed of as withdrawn reserving liberty to the writ petitioner to take recourse to such remedies as are otherwise available in accordance with law.

However, it is made clear that this Court has not

expressed any opinion on the merits of the case and all issues of facts and law are left open.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	