

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.592 of 2022

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1. Birendra Singh Son of Late Navratan Singh, Resident of Village - Gowas, P.O. - Kutumba, P.S. - Kutumba, District - Aurangabad.
 2. Mritunjay Kumar, Son of Late Nand Kumar Singh, Resident of Village - Gowas, P.O. - Kutumba, P.S. - Kutumba, District - Aurangabad.

... .. Petitioner/s

Versus

1. Punjab National Bank a body corporated constituted under the Banking Companies (Acquisition and Transfer of undertaking Act, 1970) having its Head Office at Plot No. 04, Sector 10, Dwarka, New Delhi - 110075.
2. Branch Manager, Punjab National Bank, Kutumba, P.S. - Kutumba, District - Aurangabad, Bihar.
3. Authorized Officer, Punjab National Bank, District - Aurangabad, Bihar.
4. M/s Maa Ambey Rice Miss through its Proprietor namely Ranjit Kumar Singh, Son of Ram Pravesh Singh, Resident of Village - Deoria, P.S. - Jamhore, District - Aurangabad.
5. Ranjit Kumar Singh, Son of Ram Pravesh Singh, Resident of Village - Deoria, P.S. - Jamhore, District - Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Respondent/s : Mr. Kumar Priya Ranjan, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 09-02-2022

Petitioner has prayed for the following relief(s):-



- I. That the present writ application is being filed in the nature of Certiorari for quashing the notice dated 24.11.2021 issued in the daily newspaper in relation to the property situated at Mauza-Gowaa,P.O-P.S-Kutumba, Khata no.393, Plot no.675, Thana no.266, Area-80 , District-Aurangahad, listed at serial no.10 for an e-auction scheduled on 09.12.2021 for the reserve price of Rs.39,88,000/-; as the auction has been issued without deducting the amount which has been paid by petitioner no.1 in terms of the settlement of Rs.15,00,000/-, (Rs.5,00,000/- in the month of December,2020 and Rs.10,00,000/- in the month of March, 2021, the actual proprietor has died and the petitioner no.2 was never noticed since the property given was ancestral property, as per the knowledge of the petitioner , the auction has money has been deposited on 24.12.2021;
- II. That the present writ application is being filed in the nature of *Mandamus* for a direction to the respondent no.2 and 3 to settle the matter as agreed for Rs.33,50,000/- in the year of 2020 out of which 15,00,000/- has been accepted; the property is a joint property;
- III. And pass any such other order/ orders as this Hon'ble Court deem fit and proper.

Evidently, our order dated 19th of January, 2022 has not been complied with.

Learned counsel for the petitioner, under instructions from the petitioner, seeks permission to withdraw the present petition.



Permission granted.

We clarify that it shall be open for the respondent Bank to take recourse to such measures and remedies as are provided in accordance with law.

Interim order dated 19th of January, 2022 stands vacated.

The instant petition stands dismissed as withdrawn in the aforesaid terms.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	11.02.2022
Transmission Date	

