

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1047 of 2022

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Kiran Kumari @ Kiran Sinha, Wife of Shri Shambhu Nath, and Daughter of Late Gokul Prasad, Permanently resident Koravan, Dariapur, P.S. Islampur, District-Nalanda, Pin Code-801303, Presently residing at Daldaliganj, P.S. Mehandiganj, Patna City, Patna.

... .. Petitioner/s

Versus

1. The Authorizd Officer Punjab National Bank, Chowk Branch, Patna City, District Patna.
2. Punjab National Bank through the Branch Manager, Chowk Branch, Patna City, District-Patna.
3. M/s Sindhu Handloom through Proprietor Smt. Sandhu Devi, Wife of Shyam Prasad and Lte Lauksi Devi Resident of Daldaliganj, Mahandiganj, Patna City, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Amaresh Kumar Sinha, Advocate
For the Respondent/s	:	Mr.Kumar Priya Ranjan, Advocate

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

Date : 07-03-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“i) For the issuance of a writ in the nature of writ of certiorari or any other appropriate writ or order or direction, quashing the sale notice dated 10.12.2021, sent through speed post on 14.12.2021 whereby the respondent bank has threatened to sell the property, as

mentioned therein , under Rule 8(6) of the Security Interest (Enforcement) Rules, 2002 in violation of the mandatory statutory requirements specified therein and without fixing the date of auction in the said notice.

ii) for the issuance of a writ in the nature of writ of mandamus or any other appropriate writ or order or direction, commanding the respondent authorities from giving effect to sale of the property, proposed to be e-auctioned by the respondent bank on 18.01.2022.

iii) For holding and declaring that in the circumstance of the post of the Presiding Officer in the Debts Recovery Tribunal, Patna being vacant, the petitioner cannot be left without a legal remedy.

iv) For further holding and declaring that the right to take recourse to a legal or statutory remedy is the constitutional right of the petitioner which could not be exercised on account of the post of Presiding officer being vacant.

v) For any other relief to which the Petitioner may be found entitled.”

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 dismissed 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	