

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1402 of 2022

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Kundan Kumar Son of Jaimangal Prasad Resident of Village - Musalmani
Chak, P.O. - Gahopur, P.S. - Mainpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Cum Registration General of Inspector,
Registration Excise and Provision Department, Patna.
2. The Collector Cum District Registrar, Muzaffarpur.
3. The District Sub- Registrar, Muzaffarpur.
4. The State Bank of India Through its Chief Manager Local Head Offices at
West Gandhi Maidan, Patna - 800001.
5. Branch Manager, State Bank of India, Sutapatti Branch, Muzaffarpur.
6. The Recovery Officer, Debt. Recovery Tribunal, Patna.
7. Shambhu Prasad Yadav Son of Late Ruplal Rai Resident of Village -
Shahbajpur, Ambedkar Colony, P.O. - Bhikhanpur, P.S. - Ahiyapur, District-
Muzaffarpur.
8. Vidyanand Rai Son of Late Ruplal Rai Resident of Village - Shahbajpur,
Ambedkar Colony, P.O. - Bhikhanpur, P.S. - Ahiyapur, District-
Muzaffarpur.
9. Sachidanand Kumar Son of Shambhu Prasad Yadav Resident of Village -
Shahbajpur, Ambedkar Colony, P.O. Bhikhanpur, P.S. - Ahiyapur, District-
Muzaffarpur.
10. Madhubala Kumari W/o Vijay Kumar, Resident of Village - Shahbajpur, P.S.
- Ahiyapur, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Binod Kumar Sinha, Advocate
For the Respondent/s	:	Mr.Vikash Kumar (Sc11)

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

Date : 29-06-2022

Heard learned counsel for the parties.

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

(i) For issuance of writ in the nature of certiorari for quashing of order dated 04.04.2019 passed by Recovery officer, Debt Recovery Tribunal in R.P. No. 598/2017 where by the landed Property in question has been attached.

(ii) For Quashing of order dated 29.05.2019 passed by Recovery officer Debt Recovery Tribunal in R.P. No. 598/2017 whereby it was ordered that immovable property in question is hereby ordered to be sold by Public auction.

(iii) For quashing of order dated 17.03.2021 passed by Recovery officer Debt Recovery Tribunal in R.P. No. 598/2017 whereby by objection petition filed by the petitioner has been dismissed and sale of Immovable property is hereby ordered to be confirmed.

(iv) For quashing of order dated 04.01.2022 issued by Sub-Divisional officer Muzaffarpur East whereby the Magistrate was deputed for taking possession of land in question and to give possession to land purchaser.

(v) For direction to the respondents to not dispossess the petitioner from the land in question upon which he has been living after constructing Pakka House.

In view of the fact that now D.R.A.T. is functional, learned counsel for the petitioner, under instructions, states that, the petition may be permitted to be withdrawn, with liberty to file an appeal before the D.R.A.T. or to initiate appropriate proceedings before the appropriate forum and to take recourse to such other alternate remedies which are equally efficacious in law.

Prayer allowed.

Petition is disposed of as withdrawn with the liberty aforesaid.

Since petitioner has been pursuing the matter before this court, if the petitioner were to prefer an appeal/take recourse to remedies under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, should the petitioner file the appeal within a period of four weeks from today, the issue of limitation shall not be allowed to come in the way and the appeal shall be heard on the merits on the basis of materials available on record.

We are passing such directions only for the reason that the D.R.A.T, was not functional and operational and the petitioner had been pursuing the remedies before this Court.

Interlocutory application(s), if any. shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	