

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1603 of 2022

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Smt. Deepmala W/o - Late Sanjay Kumar Singh Resident of Flat No. - 504,
Dev Sidhi Plaza, Kankarbagh, Near Jalan Shop, Patna, Bihar, Pin - 800020.

... .. Petitioner/s

Versus

1. The Union of India
2. The Debts Recovery Tribunal, through the Registrar, A, B and F Wings, 2nd Floor, Karpuri Thakur Sadan, Kendriya - 2 - Karamchari Parisar (GPOA), Near Rajiv Nagar Thana, Aashiana Digha Road, Patna - 800025.
3. The Authorized Officer - cum- Chief Manager, Indian Bank, Zonal Office, Near Kotwali Police Station, Patna - 800001.
4. The Zonal Manager, Indian Bank, Zonal Office, Near Kotwali Police Station, Patna - 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Ranjan, Advocate
For the Respondent/s : Dr. Krishna Nandan Singh, A.S.G.
Dr. Binay Kumar Singh, Advocate
Mr. Binay Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 21-03-2022 Petitioner has prayed for the following relief(s):-

1. That the petitioner in the instant writ application craves leave to invoke the extraordinary and equitable writ jurisdiction for administration of justices EX DEBITO JUSTITIAE and for grant of following :-

RELIEFS

- (i) For issuance of writ/ order restraining Respondent No. 3 and 4 from executing and taking any action in furtherance of sale notice dated 29.12.2021



(Annexure- P/2 of the writ petition) whereby and where under the residential flat of the petitioner has been put on E-auction Sale scheduled on 31.01.2022 during pendency of the SARFAESI Application bearing No. 226 of 2021 filed by the petitioner under Section 17 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to, in short as "SARFAESI Act, 2002") before the Debts Recovery Tribunal, Patna.

- (ii) For further holding and declaring that the respondent No. 3 and 4 cannot proceed against the petitioner till the SARFAESI Application No. 226 of 2021 filed by the petitioner under Section 17 of the SARFAESI Act, 2002 is still pending before Debts Recovery Tribunal (hereinafter referred to, in short as 'DRT') and the same has to be heard and disposed of in accordance with law.
- (iii) For further holding and declaring that Right to Remedy is one of the constitutional rights of the petitioner and therefore in extra ordinary situation in hand, which is unprecedented in nature, the



respondent No.-3 and 4 cannot proceed against the petitioner till the petitioner get an opportunity to avail the appropriate statutory remedy before the Presiding Officer, DRT at Patna upon non-availability of the learned Presiding Officer.

[iv] The petitioner further pray for issuance of any other appropriate writ/ writs, order/ orders, direction/ directions for which the petitioners may be found entitled.

In view of the intervening developments, learned counsel for the petitioner seeks permission to withdraw the present petition.

Permission granted.

Present petition stands disposed of as withdrawn.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

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