

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2089 of 2022

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Kamla Kant Tiwari S/o Ram Pravesh Tiwari, R/o Village - Teghra, P.O. and
P.S. - Bihiya, District - Bhojpur, Pin - 802154.

... .. Petitioner/s

Versus

1. The Union of India Through the Under Secretary, Department of Financial Services, Ministry of Finance, 3rd Floor, Jeevan Deep Building, Sansad Marg, New Delhi - 1.
2. Punjab National Bank, through the Circle Head, Circle Office, Ara, Bihar.
3. Chief Manager Cum Authorized Officer, Punjab National Bank, Circle Sastra Office, Ara, Bhojpur, Bihar.
4. Branch Manager, Punjab National Bank, Bihiya Branch, Bhojpur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiv Pratap, Advocate
For the Respondent/s : Dr. Krishna Nandan Singh (ASG)

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

Date : 21-03-2022

Heard learned counsel for the parties.

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

“ For the issuance of appropriate writ or writs in the nature of Certiorari quashing the sale order dated 20.01.2022 issued by Respondent No. 3 under Rule 8(6)& (7) of Security (Enforcement), 2002 Rules of Securitization and Financial Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act), 2002,

II. For issuance of a writ in the nature of mandamus directing the Respondents Authorities not to proceed for e-auction sale scheduled on 25.02.2022 of petitioner's only dwelling house situated under Thana No. 136, Khata No. 70, Plot No. 785, Area 3.125 Decimal, Mauza- Teghr registered in the Sub-Registrar Office Ara vide Sale Deed No. 249 dated 17.01.2014;

III. For issuance of a writ setting aside entire

SARFAESI proceeding initiated by the Respondent Bank till outcome of the appeal SA (Sl. No.) 28/2022 filed before Debts Recovery Tribunal (DRT) Patna which is pending for adjudication and further be pleased to forbear the Respondent No. 3 and 4 from interfering with the possession of the petitioner’s immovable mortgaged property.

IV. For any other relief/reliefs for which the petitioner is entitled for and for any other appropriate order/s deemed fit in the interest of justice.”

In view of the intervening development, learned counsel for the petitioner seeks permission to withdraw this writ petition.

Permission is granted.

This petition is dismissed as withdrawn.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	