

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2441 of 2022**

Mr. Rajesh Kumar Agarwal S/o Govind Pd. Agarwal Govind Geeta Niwas,  
Kanhauli Bela Ashram, At R.K. Puram Road, No. 2, Bela Road No.2, Ward  
No.48, Near Amarapali Moll, Distt Muzaffarpur.

... .. Petitioner/s

Versus

1. Union of India through Secretary, Ministry of Finance, New Delhi.
2. Authorized Officer, HDFC Bank Ltd., Bimla Sadan, Holding No.- 801/432,  
Ward No.37, Exhibition Road, Patna- 800001.

... .. Respondent/s

**Appearance :**

|                      |   |                                          |
|----------------------|---|------------------------------------------|
| For the Petitioner/s | : | Mr.Arbind Kumar Jha, Advocate            |
| For the Respondent/s | : | Dr. Krishna Nandan Singh, ASG            |
|                      |   | Dr. Anshuman Singh, Sr. Standing Counsel |
|                      |   | Mr. Abhjeet Gautam, Advocate             |
|                      |   | Mr. Amarjeet, Advocate                   |

**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE S. KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 13-07-2022**

The petitioner has prayed for the following relief/s :-

“for staying the sale notice dt.  
25.12.2021 issued under Rule 8(6) of the Security  
Interest (Enforcement) Rules, 2002 (hereinafter  
referred to Rules) during the pendency of  
application u/s 17(1) of Securitization and  
Reconstruction of Financial Assets and  
Enforcement of Security Interest Act, 2002  
(hereinafter referred to SARFAESI Act, 2002)



numbered SA 149 of 2020, back came out with sale notice fixing date of auction on 09.02.2022 which is challenged in I.A. petition filed on 28.01.2022 but the court of Ld. Presiding Officer is vacant and petitioner can not pursue its application under SARFAESI Act, 2002.

The petitioner further seeks direction to respondent no.1 to explain how the petitioner will redress it's grievances in the absence of Presiding Officer Debt Recovery Tribunal, Patna which is guaranteed under Art. 14 of Constitution of India.

The petitioner further prays for issuance of any appropriate writ/writs, order/orders and/or direction/directions for which petitioner may be found entitled.”

After the mater was heard for some time, finding the Court not in favour of the submissions made by the learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that the petitioner shall be content if the petitioner is permitted to withdraw the present petition, with liberty 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.

It stands clarified that all issues of fact and law are left open to be agitated by the competent authority.

The petition is disposed of as withdrawn with the



liberty aforesaid.

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

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

Ashwini/Sujit

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|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 15.07.2022 |
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