

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2695 of 2022

1. Master Anurag Kumar minor Son of Babban Kumar Resident of Sultanpur, P.O. Danapur Cantt. P.S. Danapur, District-Patna and Presently residing at Mohalla-Haziganj, P.S.-Chawk, Patna City, Within the Town and District-Patna.
2. Master Gyan minor, Son of Babban Kumar Resident of Sultanpur, P.O. Danapur Cantt. P.S. Danapur, District-Patna and Presently residing at Mohalla-Haziganj, P.S.-Chawk, Patna City, Within the Town and District-Patna.
3. Ms. Kangana Kushwaha, daughter of Babban Kumar Resident of Sultanpur, P.O. Danapur Cantt. P.S. Danapur, District-Patna and Presently residing at Mohalla-Haziganj, P.S.-Chawk, Patna City, Within the Town and District-Patna.
4. Narayani Kumari minor, Daughter of Babban Kumar Resident of Sultanpur, P.O. Danapur Cantt. P.S. Danapur, District-Patna and Presently residing at Mohalla-Haziganj, P.S.-Chawk, Patna City, Within the Town and District-Patna.
5. Mamta Devi Wife of Babban Kumar Resident of Sultanpur, P.O. Danapur Cantt. P.S. Danapur, District-Patna and Presently residing at Mohalla-Haziganj, P.S.-Chawk, Patna City, Within the Town and District-Patna.

... .. Petitioner/s

Versus

1. The Canara Bank through its Back Branch Manager, Aashiyana Digha Road Patna.
2. The Authorised Officer, Canara Bank SME Branch, Aashiyana Digha Road Patna.
3. Babban Kumar Son of Late Nand Kishore Prasad Resident of Sultanpur, P.O. Danapur Cantt. P.S.-Danapur, District-Patna.
4. Basudeo Prasad Son of Jagdish Prasad Resident of 84, Shah Toli, Gola Road, P.O. and P.S. Danapur, District-Patna.
5. Jaishankar, Son of Jawahar Rai Resident of House No. 64, Samasthu Sthan, Bihta, P.O. and P.S. Patna, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar, Advocate Ms. Aishwarya Shree, Advocate Mr. Ravi Bhatia, Advocate
For the Respondent/s	:	Mr.Rajan Ghoshrahe, Advocate Mr. Manish Kishore, Advocate Mr. Bal Bhushan Choudhary, Advocate



**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

(Per: HONOURABLE THE CHIEF JUSTICE)

2 29-03-2022 Heard counsel for the parties.

The petitioner has prayed for the following relief(s):-

“i. For commanding the learned Debt Recovery Appellate Tribunal Allahabad to dispose of the Appeal No. 51 of 2021, which is not being heard, since a long time, due to vacant post of Hon'ble Chairperson.

ii. Also for passing an order commanding the private respondents (Auction Purchaser) to maintain status quo and restraining them either from alienating, encumbering or the changing the physical feature of the properties detailed in paragraph 5 of the writ application, which has been illegally auction sold in favour of the respondent no. 4 and 5.

iii. Also for commanding the respondent bank and its authorities to release all the household articles and belonging which have retained by them without giving any memo of seizure prepared that in regard, at the time of taking physical possession of the property which were illegally mortgaged for securing the loan in question.

iv. Also for any other appropriate relief(s) to which petitioners are found entitled either in the eye of law or in the facts and circumstances the case.”



After some arguments, learned counsel for the petitioner seeks permission to withdraw the present writ petition.

Permission granted.

The instant Writ Petition stands disposed of as withdrawn reserving liberty to the petitioner to raise all issues, subject matter of the present lis, before the appropriate forum in appropriate proceedings.

It stands clarified that we have not expressed any opinion on the merits of the case. All issues are left open.

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

(Sanjay Karol, CJ)

(Rajiv Roy, J)

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