

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3269 of 2022**

1. Sugandh Kumar, Son of Late Shyam Babu Singh, Resident of Village-Kothma, Murgiachak, P.O.- Khagaul, District- Patna.
2. Madhuri Devi, Wife of Late Shyam Babu Singh, Resident of Village-Kothma, Murgiachak, PO- Khagaul, District- Patna.
3. M/s Saurabh Rice Mill through its Partner Sugandh Kumar (Petitioner No.1) at and PO- Shahpur, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Department of Finance, New Delhi.
2. The Branch Manager, Canara Bank, Danapur Cantt, District- Patna.
3. The Authorized Officer of the Canara Bank (now Syndicate Bank) regional Office at Mourya Lok Complex, Patna.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Abhay Kumar Thakur, Advocate  
For the Respondent/s : Mr. Dr. K. N. Singh (Asg)

**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE S. KUMAR**

**ORAL JUDGMENT**

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

**Date : 21-04-2022**

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

- I. For restraining the authorised officer of the Canara Bank for taking physical possession of the mortgaged property.
- II. For staying the all subsequent actions taken by the Respondent Bank after passing the judgement passed by the presiding officer in OA no. 448 of 2017 dated 09.01.2019 and declare the all such actions, proceedings null and void.
- III. For direction upon the respondents for not creating third party right with respect to the property mortgaged with the bank.
- IV. For accepting the amount finally and fully calculated in the light of order dated 09.01.2019 passed by the learned Presiding Officer in OA no. 448 of 2017 for satisfaction of Recovery Certificate.
- V. For any other and further relief for which the petitioners found entitled in the facts and circumstances of the case.

In view of the fact that Debts Recovery Tribunal is now functional, learned counsel for the petitioners, under instructions, seeks permission to withdraw the present petition with liberty to take recourse to such other appropriate remedies, as are otherwise available, in accordance with law.

Permission granted.

As and when any such request is made by the petitioners before the Tribunal, the same shall be considered and decided expeditiously.

The petition stands disposed of as withdrawn with the liberty aforesaid.

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

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

Sanjay/-

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