

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3350 of 2022

Manoj Kumar son of late Veer Bahadur Ray Village- Kushahar, Near Kushahar Petrol Pump, P.O. Kushahar, P.S. Tariyani, District Sheohar, Pin Code 843329

... .. Petitioner/s

Versus

1. The Authorized Officer, Indian Overseas Bank Regional Office, 2nd and 3rd Floor, Nasima House, West Gandhi Maidan, near Biscoman Bhawan, Patna-800001.
2. The Indian Overseas Bank through the Branch Manager, Sheohar Branch, Sheohar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Amaresh Kumar Sinha, Advocate
For the Respondent/s : Mr.Anant Kumar Sharan, Advocate

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

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 20-04-2022 The petitioner has prayed for the following relief/s :-

“i) For issuance of writ in the nature of writ of certiorari or any other appropriate writ or order or direction, quashing the sale notice dated 04.02.2022, published in the Hindi Daily Newspaper Dainik Jagran on 05.02.2022, whereby the date of e-auction of the property mentioned at serial no.3 therein has been fixed on 28.02.2022.

ii) For quashing all the action taken by the respondent Bank SARFAESI Act.

iii) For holding and declaring that in the circumstance of the post of the Presiding Officer in the Debts Recovery Tribunal, Patna being vacant, the petitioner cannot be left without a legal remedy.

iv) For further holding and declaring that the right to take recourse to a legal or statutory remedy is the constitutional right of the petitioner,



which could not be exercised.

v) For any other relief to which the petitioner may be found entitled.”

In view of the fact that Debts Recovery Tribunal is now functional, learned counsel for the petitioner, 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 petitioner 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The petition stands disposed of as withdrawn with the liberty aforesaid.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)

Ashwini/Sujit

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