

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24458 of 2018

Indu Kumari, Wife of Late Abhay Nandan Choudhary, resident of Village-
Patori, P.O.- Patori Basan, District- Darbhanga presently residing at Mohalla-
Laheriasarai, P.S.- Laheriasarai, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Muzaffarpur.
2. The Chief Manager, Zonal Office, Corporation Bank, Patna.
3. The Authorised Officer, Corporation Bank, Hathikhana Branch, Saguna More, Danapur, District- Patna.
4. The Branch Manager, Corporation Bank, Hathikhana Branch, Saguna More, Danapur, District- Patna.
5. Geetanjali Rani (daughter of Late Abhay Nandan Choudhary) Wife of Sri Chandan Kumar, presently residing at Village- Patori, P.S.- Moro, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vinay Mistry, Advocate
For the Respondent/s : Mr.Raghwendra Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 23-11-2022 Petitioner has prayed for the following relief/s :

- i) For issuance of a writ in the nature of Certiorari for quashing of Letter bearing Reference No.361 of 2018-19 dated 27.11.2018 (Annexure-P-5) issued by the Authorised Officer, Corporation Bank, Zonal Office, Patna whereby the residential house of the petitioner situated over the land appertaining to



Khata No.130, Khesra No.352 Mauza—
Asfandiyarpur, Pargana-Paschim Bhigo, Thana
No.241, Tauzi No.1792, P.S. Laheriasarai, District-
Darbhanga admeasuring area 10 Dhur 7 Dhurki or
951 sq.ft. has been sold on the bid amount of
Rs.27,51,700.00 in terms of the e-Auction held on
3.11.2018 under the provisions of SARFESI
Act,2002 on 3.11.2018 and the sale certificate has
been issued in favour of the Successful Bidder on
27.11.2018 without gone through the legal aspects
of the matter.

- ii) For issuance of a writ in the nature of Mandamus directing the respondents not to deliver the possession of the aforesaid house in favour of the Successful Bidder in the facts and circumstances of the case as neither the name of Successful Bidder has been mentioned in the letter dated 27.11.2018 nor the actual price of the aforesaid house has been assessed by the Valuer and the Partition Suit No.135 of 2017 is pending before the learned Sub-Judge, Darbhanga between the respondent no.5 and the petitioner also.



- iii) For issuance of a writ in the nature of Mandamus directing the respondents to direct the Debt Recovery Tribunal, Patna to hear afresh in O.A. Case No.631 of 2017 as the petitioner had already filed her detailed written statement on 10.4.2018 (Annexure-P-3) in terms of the order dated 28.3.2018 passed by this Hon'ble Court in CWJC No.4587 of 2017 but not even a single ground was discussed by the learned Tribunal its order dated 28.5.2018 passed in O.A. Case No.631 of 2017 (Annexure-P-4) to this writ application.
- iv) For issuance of such other writ(s), order(s), direction(s) as your Lordships may deem fit and proper.

Learned counsel for the petitioner seeks permission to withdraw the present petition.

Permission granted.

The petition stands disposed of as withdrawn.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/Sujit

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