

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3737 of 2022

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1. Navin Kumar Son of Ram Charitra Ram Resident of Chankya Nagar, Ward No.38, Mirjapur, Vandwar, P.S.- Town, District- Begusarai.
 2. Smt. Rajkumari Wife of Navin Kumar Resident of Chankya Nagar, Ward No.38, Mirjapur, Vandwar, P.S.- Town, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Begusarai.
3. The Sub-Divisional Magistrate, Sadar, Begusarai.
4. The Superintendent of Police, Begusarai.
5. The Station House Officer, Town Police Station, Begusarai.
6. The Authorized Officer, Canara Bank, Harrakh Branch, Begusarai.
7. The Branch Manager, Canara Bank, Harrakh Branch, Begusarai.
8. The Circle Officer, Sadar, Begusarai.
9. The Sub-Divisional Police Officer, Sadar, Begusarai.
10. Rajiv Kumar Brahmchari Son of Ram Lagan Yadav Resident of Bank Bazar, Narepur, Bachhwara, Begusarai, Pin- 851111.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prashant Sinha, Advocate
For the Respondent/s : Mr.Raghwendra Kumar (Sc22)

CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

2 09-03-2022 The petitioners have filed this writ petition seeking the following reliefs :-

“(i) For issuance of writ in the nature of certiorari for quashing of sale certificate dated 20.02.2020 issued by the Authorized Officer, Canara Bank on the condition that the petitioners are ready to pay the entire



outstanding amount to the Bank.

(ii) For issuance of writ in the nature of certiorari for quashing of memo no. 97 dated 23.02.2022 issued by the Sub Divisional Magistrate, Sadar, Begusarai to work as Magistrate and fix the date for taking over of the possession of the property in question.

(iii) For restraining the respondents from taking over the possession of the property of the petitioners during the pendency of the writ application”

The learned counsel for the Bank has apprised this Court that the property has already been sold and the auction purchaser has paid the entire amount.

In view of the above, the Bank is entitled to take possession of the property. As the Bank is proceeding as per the procedure laid down by law, interference of this Court under Article 226 of the Constitution of India, is not warranted, more so since the petitioner has already approached the D.R.T. Patna by filing S.A. No. 57/2020.

Accordingly, the writ petition stands dismissed.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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