

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4235 of 2022

=====

Laxmi Agro Wormi Compost through its Proprietor Manoj Kumar, Son of Nageshwer Singh, Gender- Male, Aged about 46 years, resident of village - Sethna, P.O. Salaunja, P.S. - Halsi, District - Lakhisarai, Pin - 811311.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Disasters Management, Government of Bihar, Patna.
2. The Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
3. The Joint Director (Chemistry), Quality Control, Department of Agriculture, Government of Bihar, Patna.
4. The Collector-Cum-District Magistrate Muzaffarpur.
5. The Sub Divisional Officer, Lakhisarai.
6. The Circle Officer, Halsi, Lakhisarai.
7. Dakshin Bihar Gramin Bank through its Authorized Officer, Head Office Shri Vishnu Commercial Complex, NH 30, New Bypass, Near BP Highway Service Petrol Pump, Ahochak, Patna - 800016.
8. Regional Manager, Dakshin Bihar Gramin Bank, Regional Office, Station Road, Opposite Genx Brij Hotel Near Jhajha Bus Stand Road, Jamui-811307.
9. Branch Manager, Dakshin Bihar Gramin Bank, Lakhisarai.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Adv
For the Respondent/s : Mr.Dhurjati Kr. Prasad (GP14)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-05-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- (i) For the issuance of writ in the nature of writ or certiorari for setting aside the entire SARFAESI measures initiated U/s 13(2) of SARFAESI ACT, 2002, followed by measures under 13(4) of the Act, as the secured creditor

itself is at fault by not insuring the movable and immovable property of the petitioner from the damage caused by the natural calamity and consequently, he could not get the damage to restart his business.

(ii) For issuance of a writ in the nature of writ of certiorari for setting aside the sale notice dated 15.02.2022 whereby the borrower in particular and the public in general has been informed that the property of Mauza-Sethna, Tauzi No. 8217, Than No. 196 pertaining to Khata No. 222, Khesra No. 413, 418 & 430 Area-36 dec. Khatan No. 265, Khesra No. 195, Area-56 Dec., Khata No. 266, Khesra No. 195, Area-72 Dec, and Khata No. 266, Khesra No 193, Area-1.1/3 Dec. of Dist Lakhisarai will be sold by public auction at 11:00 AM on 04.03.2022 (Friday).

(iii) For staying entire SARFAESI proceeding initiated by the respondent Bank till outcome of the Appeal No. SA.... Of/2022 filed before Debt Recovery Tribunal (DRT), Patna, which is pending for adjudication and further be pleased to forbear the respondent Bank from interfering with the possession of the petitioner's immovable property."

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.

Since petitioner has been pursuing the remedies before this court, the question of limitation shall not come in the way moreso in view of the current pandemic COVID-19.

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)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA