

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4219 of 2022

1. Smt. Poonam Mishra Wife of Navin Mishra, Resident of Ishakchak, Gumti No. 12, Near Shitla Ashthan, P.O. and P.S. - Ishak Chak, Jagdishpur, District - Bhagalpur, PIN - 812001.
2. Navin Mishra @ Nawin Mishra, Son of Mahendra Mishra, Resident of Ishakchak, Gumti No. 12, Near Shitla Ashthan, P.O. and P.S. - Ishak Chak, Jagdishpur, District - Bhagalpur, PIN - 812001.

... .. Petitioner/s

Versus

1. The State Bank of India through its General Manager, State Bank of India, 2nd Floor, Patna Main Branch Building, Patna - 800001.
2. The General Manager, State Bank of India, 2nd Floor, Patna Main Branch Building, Patna - 800001.
3. The Assistant General Manager, Stressed Assets Recovery Branch (SARB), State Bank of India, 2nd Floor, Patna Main Branch Building, Patna - 800001.
4. The Authorized Officer, Stressed Assets Recovery Branch (SARB), State Bank of India, 2nd Floor, Patna Main Branch Building, Patna - 800001.
5. The Chief Manager, RASMECC, SARC, Bhagalpur (10014), Annex Building, S.M. College Road, Khanjarpur, Bhagalpur, PIN - 812001.
6. Sri Anand Kumar Mishra, Son of Sri Amar Nath Mishra Amar, 39, Koshi Nath Jha Lane, Champanagar, Mohanpur, Nath Nagar, Bhagalpur, Bihar, PIN - 812004.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Sinha, Sr. Advocate
		Mr. Om Prakash Singh, Advocate
For the Respondent/s	:	Mr. Sanjiv Kumar, Advocate

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 05-05-2022 Petitioners have prayed for the following relief(s):

“(i) For issuance of appropriate writ(s)/ direction(s)/order(s) in the nature of writ



of Certiorari for quashing notice dated 24.02.2022 (Annexure-P/9) by which the respondent Bank has informed the petitioner that it has issued Certificate of Sale on 23.02.2022 and appropriated Rs.47,67,168.00/- from sale proceeds towards the total dues as on 23.02.2022 for closer of loan account in violation of order of status quo dated 24.12.2021 granted by the Debts Recovery Tribunal, Patna till next date in S.A. No. 242 of 2021 which is not being heard in absence of Presiding Officer regular or In-charge;

(ii) For issuance of appropriate writ(s)/ direction(s)/order(s) declaring the certificate of sale dated 23.02.2022 issued by the respondent as invalid being issued in violation of order of status quo dated 24.12.2021 passed by the DRT, Patna in S.A. No. 242 of 2021 till next date of hearing which is not being heard as there is no regular or In-charge, Presiding Officer at Debts Recovery Tribunal, Patna;

(iii) For issuance of appropriate writ(s)/ direction(s)/order(s) the respondent staying the Sale Certificate dated 23.02.2022 and also direct not to take any further steps including steps for physical possession and execution of sale deed of the auctioned sold property which is dwelling house of the petitioner till outcome of SARFAESI Appeal No. 242 of 2021.

(iv) For issuance of any other appropriate writ/ direction/ order which the



petitioners may in the facts and circumstances of this case be found entitled to.”

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)

K.C.Jha/DKS

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