

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4954 of 2022

Abhay Bahadur Singh, Son of Rama Shankar Singh, resident of 401 Srimat Enclave, Professor Colony, North Shastri Nagar, Patna-800023.

... .. Petitioner/s

Versus

1. The Authorized Officer/ Chief Manager, Bank of Baroda, Patna City Branch, Prakash Market Chowk, Patna City, Patna.
2. The Branch Manager, Bank of Baroda, Patna City Branch, P.S. Patna City, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Amaresh Kumar Sinha, Advocate
For the Respondent/s : Mr.M Kishore, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-05-2022

Petitioner has prayed for the following relief(s):

“i) For the issuance of a writ in the nature of writ of certiorari or any other appropriate writ or order or direction, quashing the sale notice dated 16.02.2022, whereby the date of e-auction has been fixed on 24.03.2022.

ii) For quashing the possession notice dated 10.08.2021 whereby the possession of the mortgaged flat has been taken by the respondent bank.

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

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

v. 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.

vi. 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The petition stands disposed of as withdrawn with the liberty aforesaid.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)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	18.05.2022
Transmission Date	

