

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5276 of 2022

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Anil Kumar @ Anil Kumar Jha Son of Ram Bhajan Jha Resident of Bela Chhapra, Mushhari, P.S. Muzaffarpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Muzaffarpur.
2. The Regional Manager, Regional Office, Indian Bank (Previously Allahabad Bank), near Kotwali, Town and District Patna- 800001.
3. The Branch Manager, India Bank Branch (Previously Allahabad Bank) at Muzaffarpur.
4. Ajay Kumar Jha Son of Anil Kumar Resident of Bela Chhapra, Mushhari, P.S. Muzaffarpur, District- Muzaffarpur.
5. Manoj Kumar Jha Son of Anil Kumar Resident of Bela Chhapra, Mushhari, P.S. Muzaffarpur, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Prasad, Advocate.
		Mr. Kaushal Kumar, Advocate
For the Respondent/s	:	Smt. Anuradha Singh, SC 21
For the Bank	:	Mr. Ranjan Ghoshra, Advocate

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

Date : 17-05-2022

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

“(i) For quashing of the Order dated 07.02.2022 passed by the District Magistrate at Muzaffarpur under Section 14 of the SARFAESI Act, 2002.

(ii) For quashing of order dated 07.02.2022 passed by the District Magistrate, Respondent No. 1 whereas issued a direction for taking possession of the immovable property vide Sale Deed No. 14984 dated 05.06.2012 Khata No. 116, Khesra No. 372 without prior issuance of notice to the petitioner under Section 13(2) as well as 13(4) of the SARFAESI Act.

(iii) For a direction to the respondent authorities to consider the representation filed by the petitioner on the ground that the guarantor namely Kiran Devi has died on 29.04.2021 due to Corona Disease and there is no person substituted in place of Kiran Devi. The representation



filed on 08.03.2022 by the petitioner before the respondent authority for consideration by the respondent authority.
(iv) For any other relief/reliefs as Your Lordships may deem fit and proper in the interest of justice.”

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 or the respondent-bank, 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	

