

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6118 of 2022

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Malti Devi Wife of Prakash Poddar Resident of Mohalla- Maksuspur, Dhobi Tola, Post- Munger, Police Station- Kasim Bazar, District- Munger

... .. Petitioner/s

Versus

1. Canara Bank of India through Regional Manager, Regional Office, Canara Bank, Purnea.
2. The Authorised Officer, Canara Bank, Regional Office, Purnea.
3. Circle Office, Canara Bank through its The Senior Manager, Luv Kush Tower, Exhibition Road, Patna, Pin- 800001
4. The Authorised Officer, Canara Bank, 1st Floor, Ashok Astambh Chowk Sarwan Bazar, District- Munger Pin- 811201

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ashutosh Kumar Verma, Advocate
For the Respondent/s	:	Mr.Rajan Ghoshrahe, Advocate
		Mr.Siddharth Harsh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 18-05-2022 Heard learned counsel for the parties.

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

(i) For issuance of an appropriate writ/writs, order/orders, direction/directions in nature of mandamus, commanding and directing the respondents to open the door/gate of the petitioner because the respondents no.4, Authorised Officer has taken the possession of property (by locking main gate of the petitioner's house) of the petitioner on 6th



December 2021, without follow of rules under section 13(2) or under Sections 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002

(ii) that property in question is only the residential house of the petitioner and as well as due to death of earning member of petitioner could not make payment of installment of term loan also pray for stay the further proceeding against the petitioner.

(iii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

After the matter was heard for some time, finding the Court not to be in favour with the submissions made across the Bar, learned counsel for the petitioner, under instructions, states that the petitioner shall be content if the petitioner is permitted to withdraw the present petition reserving liberty to initiate appropriate proceedings before the appropriate forum, including Debt Recovery Tribunal



and/or take recourse to such other alternative remedies,
equally efficacious in law.

Permission granted.

We are sure that as and when any such
proceedings are initiated, the same shall be considered and
decided in accordance with law.

Needless to add, the authorities/adjudicative body
shall pass a reasoned order in accordance with law.

It is made clear that we have not expressed any
opinion on merits. All issues are left open.

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

Interlocutory Application(s), if any, shall stand
disposed of.

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

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