

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6713 of 2022

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Balmiki Kumar Son of Permanand Paanja, Resident of Village- Mirjapur,
P.O.- Pathsouri Khera, P.S.- Rajaul, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bank of India Head Office, Patna through the Zonal Manager.
2. The Zonal Manager, State Bank of India, Head Office, Patna.
3. The Deputy General Manager, the State Bank of India, RASMECC- SARC (10014), Administrative Office Building, 3rd Floor, Khanjarpur, Bhagalpur- 812001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar Sinha, Advocate
For the Respondent/s	:	Ms. Namrata Mishra, Advocate
		Mr. Sanjay Singh Thakur, Advocate

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

Date : 20-06-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

- 1.) To command and direct the respondent State Bank of India, to return back the total consideration sale amount of sale price Rs. 7,10,000/- with penal Interest which was deposited by the petitioner for sale / registration / possession of land situated at Lalu Chak , Angari , I.I.C Colony , Bhagalpur through the auction sale and got said certificate much before on 14.09.2015 having Anchal Sabour , Thana NO- 122 , Khata No- 57/ 38 , khesra no. -91 , 92 , 96 / 97 , 102, 103 total area 2 Kattha and 10 dhur but till date sale deed and possession of the said land is not issued because there is no existence of said land as mentioned in the same certificate issued by the respondent land ,

II.) To further enquire over the aforesaid matter , authorities respondents may booked criminal case against the culprit who sale the land in question to the

auction purchaser i.e petitioner through Auction sale by way of Fraud knowing the fact that said land is not in existence as stated in the auction sale certificate issued by the SBI Concern ,

III.) To direct the respondents to calculate the compassion amount and pay to the petitioner immediately in the light of delay of about 7 yrs as well as got heavy loss which is caused due to respondent bank in the interest of justice save and accept the total consideration paid amount of Rs 7,10,000/- with penal interest .

IV.) For which petitioner is entitled for.

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.

Needless to add, period for which the petitioner has been pursuing the matter before this Court, shall be excluded for the purpose of condonation.

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)

Sanjay/- Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
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