

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7247 of 2022

1. M/s Sarita Concrete, Regd office L-203, Dumrao Palace, Frazer Road, Patna Bihar 800001 through its Proprietor Mr Raju Kumar.
2. Mr. Raju Kumar, Son of Mr. Shyam Singh R/o Pethia Bazar, P.O. and P.S.- Phulwarisarif, District-Patna, Bihar 801505.
3. Smt. Pummy Singh W/o Mr Raju Kumar, R/o Pethia Bazar, P.O. and P.S. Phulwarisharif, District-Patna, Bihar-801505.

... .. Petitioner/s

Versus

1. Indian Bank through its Zonal Manager, 1st Floor Govind Bhavan, New Dakbunglow, Road Patna.
2. Zonal Manager, Indian Bank, 1st Floor Govind Bhavan, New Dakbunglow, Road Patna.
3. Indian Bank (Allahabad) Stressed Asset Management Branch, Pillar No.12, Khajpura Bailey Road Patna through its Branch Manager.
4. Authorized Officer, Indian Bank (Allahabad) Stressed Asset Management Branch, Pillar No.12, Khajpura Bailey Road Patna
5. Chief Manager, Indian Bank, Patna University, Branch Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar, Advocate
For the Respondent/s : Mr. Rajan Ghoshware, Advocate

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

Date : 21-06-2022

Heard learned counsel for the parties.

Petitioners have prayed for following reliefs:-

- i. For issuance of an order, direction, writ including writ in the nature of mandamus restraining the respondents from taking physical possession of the immovable property mentioned in the schedule of notice of intended sale dated 19/2/2022 issued by the respondent authorised officer.

- ii. For issuance of an order, direction, writ including writ in the nature of certiorari quashing the notice of intended sale dated 19/2/2022 issued by the respondent authorised officer.
- iii. For issuance of an order, direction, writ including writ in the nature of mandamus restraining the respondents from confirming the sale of the immovable property mentioned in the schedule of notice of intended sale dated 19/2/2022.
- iv. For issuance of an order, direction, writ including writ in the nature of mandamus commanding the respondents to come to a mutually agreed amount and modality of the repayment of the same in equal monthly instalments spread over a period of 12 months.
- v. For issuance of an order, direction or writ including writ in the nature of mandamus commanding the respondents to allow the petitioner to deposit 10-15% of the mutually agreed amount within a period of one month from the date of settlement of the account.
- vi. For any other relief (S) to which the petitioners may be found entitled in the facts and circumstances of the present case.

In view of the fact that Debts Recovery Tribunal is now

functional, learned counsel for the petitioners, 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 petitioners before the Tribunal, the same shall be considered and decided expeditiously.

Needless to add, period for which the petitioners have 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
Uploading Date	23.06.2022
Transmission Date	NA