

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9301 of 2022

Kamlesh Kumar S/o Pramod Prasad Sahu, R/o - Village - Rasulpur Sayed Salem, P.S. - Ahiyapur, Anchal - Mushahri, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector-cum-District Magistrate, Muzaffarpur, Bihar.
2. Authorized Officer/Chief Manager, Canara Bank, Circle Office Luv Kush Tower, Exhibition Road, Patna Bihar - 800001.
3. Branch Manager, Canara Bank, B.S.E.B. Ramdayalu Branch, Muzaffarpur, Bihar - 852201.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Mrityunjay Kumar, Advocate
For the Respondent/s	:	Smt. Anuradha Singh (SC 21) Mr. Rajan Ghoshrahe, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 14-07-2022 Petitioner has prayed for the following relief(s):-

I. For issuance of a writ in the nature of mandamus directing the Respondents Authorities not to proceed with eviction notice dated 24.05.2022 from only dwelling house purchased by his father Pramod Prasad Sahu vide sale deed no 2352 dated 31.01.2008 admeasuring 4 Decimal situated at Mauza: Rasulpur Sayed Salem, Anchal: Mushari, PS: Ahaiyapur, Distt.: Muzaffarpur bearing RS Khata No.-113, Khesra No.165 Thana No.662, Tauzi No. 4435;



II. For issuance of a writ setting aside entire SARFAESI proceeding initiated by the Respondent Bank till the outcome of the Original Application (OA) No. 560/2019 filed before Debts- Recovery Tribunal (DRT) Patna which is pending for adjudication and further be pleased to forbear the Respondent No. 2 & 3 from interfering with the possession of the petitioner's immovable mortgaged property.

III. For issuance of order extending time limit granted by the respondent bank for payment of due amount from 30.06.2022 till further order of this Hon'ble Court.

IV. For any other relief/reliefs for which the petitioner is entitled for and for any other appropriate order/s deemed fit 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 within a period of one week.

Permission granted.

As and when any such request is made by the petitioner before the Tribunal, the same shall be considered



and decided expeditiously.

Till such time the application is filed, no preceptive action shall be taken against the petitioner.

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)

K.C.Jha/-

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