

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9522 of 2022

1. Radha Rani Singh, daughter of Late Ganesh Narain Singh and wife of Late Kameshwar Narain Singh, Resident of Mohalla-Punaichak, Ganesh Bhawan, Police Station-Shastri Nagar, P.O. Shastri Nagar, District-Patna-800023.
2. Ravindra Kumar Singh
3. Arun Kumar Singh,
Both are sons of Late Kameshwar Narain Singh, Resident of Mohalla-Punaichak, Ganesh Bhawan, Police Station-Shastri Nagar, P.O. Shastri Nagar, District-Patna-800023.
4. Rekha Priyadarshini, Wife of Late Pradeep Kumar Singh,
5. Kumar Govinda Singh, son of Late Pradeep Kumar Singh,
6. Kumar Gaurav Singh, son of Late Pradeep Kumar Singh,
All are Resident of Mohalla-Punaichak, Ganesh Bhawan, Police Station-Shastri Nagar, District-Patna.

... .. Petitioner/s

Versus

1. Indian Bank (Erstwhile Allahabad Bank) Zonal Office Somb Branch, Budha Marg, Patna.
2. Indian Bank (Erstwhile Allahabad Bank) Allahabad Bank Head Office Kolkata through its General Manager.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Abhitabh Kumar, Advocate

For the Respondent/s : Mr.Rajan Ghoshrahe, Advocate

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

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-08-2022

Petitioners have prayed for the following relief(s):-



- (i) For issuance of appropriate writ(s)/ direction(s) for quashing letter No. SAMB / Budha/ 2020-21 / 1048 dated 10.08.2020 by which the respondent No. 1 has rejected the representation of petitioner against the action of the Bank under SARFAESI Act for auction sale of the property owned by petitioners said to be mortgaged by one Rajnandini Project as security to the loan taken by M/s Buddha Heritage.
- (ii) For issuance of appropriate writ/ order/ direction upon the respondents to make appropriate enquiry by appropriate authority in relation to creation of security interest by one M/s Rajnandini Project Pvt. Ltd. in the loan account of M/s Budha Project over the property owned by the petitioner on the basis of forged deed of sale bearing Sale Deed No. 23724 dated 24.09.2013 for loan of Rs. 5,91,96,434/- conveying no title over the property.
- (iii) For issuance of appropriate writ/ direction declaring the action of the Bank under SARFAESI Act over the property of petitioners in the fact of this case is bad in law as also on fact.
- (iv) For issuance appropriate writ/ direction/ order which the petitioners may in the facts and circumstances of this case be found entitled to.

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 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	05.08.2022
Transmission Date	

