

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9733 of 2022

=====

Gulzar Alam S/o Late Sultan Alam, R/o R.S. Road, Panchatiya Akhara, P.S. -
Kotwali, Gaya, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Gaya.
3. The SDO, Sadar, Gaya.
4. The Authorized Officer cum Chief Manger, Panjab National Bank,
Kashinath More, Gaya.
5. The Branch Manger, Panjab National Bank, Kashinath More, Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Vishal Saurabh, Advocate Mr. Sujit Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Sarvesh Kumar, GP-24 Mr. Mritunjay Kumar, Advocate

=====

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

Date : 29-07-2022

Heard learned counsel for the parties.

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

1. That this is an application for issuance of writ or writs in the nature of certiorari quashing the letter No- 452/सां/नि०प० dated 02-03-22 issued by Respondent No-2 by which direction was issued to Respondent No-3 to vacate the Petitioner from house in question without any show cause or even without issuance of any letter which is pure violation of principal of natural justice and in compliance of the above



said letter the memo no- 361/शु दिशि, गवा dated 20-06-22 is also bad in law by which Petitioner was directed to be vacated from the house in question by 01-07-22 thus fit to be set aside.

And further for quashing the Notice dated 22-06-22 which was received by the petitioner on 28-06-22 along with the copy of the above said letters by which it transpired that Petitioner has been directed to vacate the house by 30-06-22 as this is the final notice by the concerned Bank which shows that the Respondent Bank is biased to somehow or the other, vacate the Petitioner without issuance of any notice in this regard hence the entire proceeding is bad in law and thus fit to be quashed/ set aside.

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 reserving liberty to take recourse to such other remedies, as are otherwise available, in accordance with law.

Permission granted.

We are sure that as and when any such proceedings are initiated, before the appropriate forum/Tribunal, the same shall be considered and decided expeditiously, in accordance with law.

Needless to add, period for which the petitioner has



been pursuing the matter before this Court, shall be excluded for the purpose of computing limitation.

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)

Amrendra/PKP

(S. Kumar, J)

AFR/NAFR	
CAV DATE	
Uploading Date	02.08.2022
Transmission Date	

