

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9746 of 2022

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Lalit Kumar Chaudhary s/o Sukhnandan Chaudhary, R/o Vill-Kolhua Paigambarpur, P.S.-
Ahiyapur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. Indian Bank (Erstwhile Allahabad Bank) through the Circle Head, Circle Office, Muzaffarpur, Bihar.
2. Chief Manager cum Authorized Officer, Indian Bank (Erstwhile Allahabad Bank), J.L. Road Branch, Tilak Road Maidan, Muzaffarpur, Bihar.
3. Branch Manager, Indian Bank (Erstwhile Allahabad Bank), J.L. Road Branch, Tilak Road Maidan, Muzaffarpur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate
For the Respondent/s : Mr.Nishi Nath Ojha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-08-2022

Heard learned counsel for the parties.

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

I. For the issuance of appropriate writ or writs in the nature of Certiorari quashing the sale order dated 06.03.2020 issued by Respondent No.-2 under Rule 8(6) & (7) of Security (Enforcement), 2002 Rules of Securitization and Financial Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act),2002,

II. For issuance of a writ in the nature of mandamus directing the Respondents Authorities not to proceed for e-auction sale of petitioner's only dwelling house purchased vide sale deed no 7699 dated 23.03.2012

situated under Thana No. 482, Khata No. 795 & 671, Plot No. 1118 & 1123, Area- 2.843 Decimal, Mauza- Kolhua Pagambarpur, Anchal-Kanti, district-Muzaffarpur registered in the Sub-Registrar office, Muzaffarpur;

III. For issuance of a writ setting aside entire SARFAESI proceeding and for issuance of notice to the Auction Purchaser if the property of the petitioner has been sold in e-auction.

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.”

Learned counsel for the respondents States that property stands sold, Sale Certificate issued and process for handing over possession stands initiated.

All particulars be supplied to the learned counsel for the petitioner enabling him to approach the appropriate authority in accordance with law.

Needful be done by tomorrow.

Learned counsel have exchanged the particulars of their telephone number and e-mail ID.

In view of the above, 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)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	