

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9973 of 2022

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Amit Kumar, (Co-borrower), S/o Late Ramchandra Singh, (Co-borrower),
R/o Mohalla - Chini Mill, P.O. - Gajadharganjh, P.S. Buxar (T), District -
Buxar.

... .. Petitioner/s

Versus

1. Branch Manager, Bank of Baroda Branch, Buxar Opposite Railway Station Road, P.S. Buxar (T), District - Buxar.
2. Authorized Officer, Bank of Board Branch, Buxar Branch, P.S. Buxar (T), District - Buxar.
3. Chief Manager, Regional Office, Bank of Barod, Near Patliputra Golambar, Patna, P.S. - Patliputra, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bachan Jee Ojha, Advocate
For the Respondent/s	:	Mr. Vivek Prasad, Advocate
		Mr. Santosh Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 28-07-2022

Heard learned counsel for the parties.

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

- I. For issuance of an appropriate writ in the nature of certiorari for quashing the order dated 16.6.2022 passed in S. A. No.99 of 2021 passed by learned presiding officer, Debts Recovery Tribunal Patna by which learned Presiding Officer dismissed the application filed under Section 17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security interest Act, 2002, (Here in after known as SARFAESI Act)



- II. For issuance of an appropriate writ in the nature of mandamus directing the respondent authorities to desal the residential house of the petitioner (mortgaged property) which was sealed since 1.4.2021 and the whole family along with pcts are on road and moving hither and thither.
- III. For issuance of an appropriate writ in the nature of mandamus directing the respondent authorities to settle the matter amicably in the teeth of this fact that out of ,8.88 lakh the petitioner has already paid 5.5. lakh.
- IV. To grant any other relief/ reliefs to which the petitioner may be found entitled to in the facts and circumstances of the case.

In view of the fact that Debts Recovery Appellate 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)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	01.08.2022
Transmission Date	

