

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10108 of 2022

Shivendra Kumar Son of Braj Bihari Singh @ Brij Bihari Singh Resident of Village- Anaith Sarswati Bhawan (Near Ajay Santosh Lodge) Ara, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, The Government of Bihar, Old Sachivalaya, Patna- 13.
2. The Chief Secretary, The Government of Bihar Old Sachivalaya-13.
3. The Additional Chief Secretary, Department of Home Govt. of Bihar, Old Sachivalaya.
4. The Commissioner, Patna Division, Patna.
5. The Collector-cum-District Magistrate, Bhojpur, Ara.
6. The Superintendent of Police, Bhojpur, Ara.
7. The Sub-Divisional Officer, Sadar Ara, Bhojpur.
8. The Sub-Divisional Police Officer, Sadar Ara, Bhojpur.
9. The Anchaladhikari Ara Sadar, District- Bhojpur, The Station House Officer, (Officer-in-Charge) Ara Nawada, P.S., District- Bhojpur.
10. The Indian Bank (Er. Allahabad Bank Patna Exhibition Road Branch, Exhibition Road, Patna- 800001, through its Branch Manager.
11. The Branch Manager, Indian Bank, Exhibition Road, Branch, Patna- 800001.
12. The Authorized Officer, Indian Bank (Er. Allahabad Bank) Zonal Officer, Budh Margh Patna-800001.
13. Jai Shankar Son of Sri Jawahar Rai Resident of Village- Samasthuathan, P.O. and P.S.- Bihta, District- Patna- 81103.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Suresh Prasad Bhakta, Advocate
For the Respondent/s	:	Mr. Sheo Shanar Prasad, SC-8

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

Date : 10-08-2022

Heard learned counsel for the parties.



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

- (i) For issuance of appropriate writs/ order/commanding the Respondent Indian Bank and its authorities to produced auction Sale papers with respect to land alongwith building construction upon the said land measuring an area 6.25 Decimals bearing plot no. 553 under Khata No. 136 situated at Mauza Anaith (Thana no 227) P. S-Ara Nawada , District- Bhojpur in connection with loan Account - A/C 50051004672, M/s Izee Air travel , Pro. - Sri Shivendra Kumar (Indian Bank (Er. Allahabad Bank) , Exhibition Road, Branch , Patna and quashed the same .
- (ii) For issuance of appropriate writ for quashing the order contained memo no, 678/ No., dated 17-05-2022 issued under Signature of Sub- Divisional Officer, Sadar, Ara, District- Bhojpur, thereunder Petitioner alongwith his family member has been ousted on 31-05-2022 from their residential house situates at plot no. 533 under Khata no. 136 at Mauza Anaith (Thana no. 227) in reference ZIO/ SARFAESI/ 22-23/91 date- 26-04-2022 undersection 14 of the SARFAESI Act 2002 in presence of Anchala Adhikari, Ara Sadar, deputed as Magistrate as by the Police Force.
- (iii) For issuance of appropriate writ /order /direction /commanding the respondent



Bank authority concerned to provide adequate out standing dues of ^{loan} ~~known~~, sanction letter of loan of 2011 and valuation report of mortgage land with building at the time of loan sanction in 2011.

- (iv) For issuance of appropriate writ / order/ direction/ commanding the responding Bank authority concerned, and private respondent for restraining ~~to~~ create hindrances and his family in campus of house of the petitioner .

After the matter was heard for some time, finding the Court not to be in favour with the submissions made across the Bar, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to approach the respondent Bank requesting for supply of all the documents with further liberty to initiate appropriate proceedings, before the appropriate forum, including Debt Recovery Tribunal.

Liberty as prayed for is 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	11.08.2022
Transmission Date	

