

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10331 of 2022

1. Khushwant Kumar son of Chandra Kishore Singh, Resident of Village - Mamrkha, Anchal - Areraj, District - East Champaran, Pin - 845425.
2. Adarsh Kumar, son of Chandra Kishore Singh, Resident of Village- Mamrkha, Anchal - Areraj, District- East Champaran, Pin - 845425.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, East Champaran at Motihari.
2. The Authorized Officer Chief Manager, UCO Bank, Zonal Office, Maurya Lok Complex, 4th Floor, Block 'A', New Dak Bunglow Road, Patna - 800001.
3. The Branch Manager, UCO Bank, Bettiah Branch, Saran Sadan, Kavivar Nepali Path, P.O. - Bettiah - 845438.
4. M/s Jai Hanuman Cold Storage, through Partner, Village - Gujrauliya (Malahi), Main Road, Malahi Bazar, Areraj, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ranvijay Narain Singh, Advocate
For the Respondent/s	:	Mr.Anil Kumar Singh (GP 26)
For UCO Bank		Mrs. Sheela Sharma, Advocate
		Mr. Shivendra Kumar Roy, Advocate

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

(Per: HONOURABLE THE CHIEF JUSTICE)

4 12-09-2022 The instant petition has been placed under the heading “To be Mentioned” at the instance of learned counsel for the respondent UCO Bank.

We are informed that vide order dated 18.08.2022, passed in the instant petition, the petition was disposed of with a direction to the petitioners to initiate appropriate proceedings



in accordance with law.

However, learned counsel states that her statement recorded in the order be limited to the extent that “petitioners have remedy to file an appeal before the D.R.A.T”.

Having heard learned counsel for the parties, we recall the order dated 18.08.2022 passed in the instant case.

The following order be treated to have been passed in the instant case on the said date:-

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

“For issuance of Writ in the nature of Certiorari to quash the Order dated 17.5.2022, passed by Presiding Officer of Debt Recovery Tribunal, Patna in SARFAESI Appeal No. 27 of 2020, dismissing the Appeal wrongly held to be filed Under Section 14 of the aforesaid Act on the basis of bar to challenge the Order passed Under Section 14(3) of the SARFAESI Act and also by committing serious error of law look in the Memo of Appeal which has been filed Under Section 17, Sub-Section (I) in the aforesaid Act against the measures taken Under Sub-Section (ix) of Section 13 of the aforesaid Act.”

Learned counsel for the respondents states petitioners have remedy to file an appeal before the D.R.A.T. and if the petitioners were to move an application for interim protection within a period of two weeks, no coercive action



shall be taken against the petitioners in view of the pendency of the present petition. However, should the petitioners not take any steps in that direction, after a period of two weeks, the respondents shall initiate appropriate action in accordance with law.

Statement accepted and taken on record.

Petition is not pressed in view of the same.

Interlocutory Application(s), if any, shall stand disposed of.”

Order dated 18.08.2022 is modified to the above extent only.

Let this order be uploaded on the website of the Patna High Court/internet.

(Sanjay Karol, CJ)

(S. Kumar, J)

DKS/-K.C.Jha

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