

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10415 of 2022

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Smt. Indira Das Wife of Late Dr. Mahesh Lal Das Secretary M/s. Innotech Educational Society, Resident of Flat No. 05, Janpriya Apartment, North S.K. Puri, Patna- 800013.

... .. Petitioner/s

Versus

1. The Union of India Represented through the Registrar, Debts Recovery Tribunal, Karpuri Thakur Sadan, A, B and F Wings, 2nd Floor, Ashiana Digha Road, Patna- 800025.
2. The Recovery Officer-II, Debts Recovery Tribunal, Karpuri Thakur Sadan, A, B and F Wings, 2nd Floor, Ashiana Digha Road, Patna- 800025.
3. The Assistant General Manager, Stressed Assets Management Branch- 1, State Bank of India, Nagaland House, 8th Floor, 11 and 13 Shakespeare Sarani, Kolkata- 700071.
4. Local Office, Stressed Assets Management Branch- 1, State Bank of India, Zonal Office, Judges Court Road, Anta Ghat, Patna- 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dr. Binay Kumar Singh, Advocate
For the Respondent/s	:	Dr. K.N. Singh, ASG
		Mr. Anshuman Singh, CGC

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

Date : 17-08-2022

Heard learned counsel for the parties.

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

- (i) For issuance of an appropriate writ/ writs, direction/ directions, order/ orders to respondent Debts Recovery Tribunal (herein after called 'DRT') to expunge the name of the husband of the petitioner who had died on 16.04.2012 but the respondent Bank suppressing this fact arrayed him as Defendant No. 4 in O.A. No. 449 of 2017 filed under Recovery of Debts and Bankruptcy Act, 1993 and retrieved judgment and certificate in the name of the deceased husband of the petitioner and that the Recovery Officer, DRT despite having been informed in writing has initiated Recovery Proceedings in pursuance of the judgement and certificate dated 13.08.2018 which is in executable in the facts and circumstances of the case and that he has fixed 30.06.2022 as the date for auction of the property of the society which is a running Engineering College at a depressed valuation.
- (ii) For issuance of writ in the nature of Certiorari for quashment of the order and certificate dated 13.08.2018 passed by DRT in O.A. No. 449 of 2017 holding that the judgment and certificate passed in the name of the deceased is nullity and non-est in the eye of law and it cannot be executed.

- (iii) For holding that the judgment and order passed against a dead person stands vitiated in the facts and circumstances of the case.
- (iv) For issuance of a writ in the nature of Certiorari for quashment of the Proclamation of Sale Notice issued by Recovery Officer- II for holding auction of the property of the college on 30.06.2022 from 12:30 P.M. to 4:00 P.M. at a throw away price, the fair valuation of which is in the vicinity of Rs. 50 Crore.
- (v) The petitioner further prays for issuance of any other appropriate writ/ writs, order/ orders, direction/ directions for which the petitioner may be found entitled.

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

Permission granted.

As and when any such request is made by the petitioner before the Tribunal or the respondent-bank, the same shall be considered and decided expeditiously.

The petition stands disposed of as withdrawn
with the liberty aforesaid.

Interlocutory application(s), if any, shall also stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	