

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10300 of 2022

1. Md. Moiem son of Late Shah Mohmmad Resident of Tilak Maidan, Near Vijay Bank, Azazi Marg, Barhanpura, P.S. - Town, District - Muzaffarpur.
2. Sohail Alam son of Md. Moiem Resident of Tilak Maidan, Near Vijay Bank, Azazi Marg, Barhanpura, P.S. - Town, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The Regional Manager, State Bank of India, Gandhi Maidan, Patna Main branch building, Bihar, Patna.
2. The Zonal Manager, State Bank of India, Bihar, Gandhi Maidan, Patna Main branch building, Bihar, Patna.
3. The Chief Manager, State Bank of India, Gandhi Maidan, Patna Main branch building, Bihar Patna.
4. The AGM, State Bank of India, Bihar, Gandhi Maidan, Patna Main branch building, Bihar Patna.
5. The authorized officer, State Bank of India, SARB, Main branch building, Gandhi Maidan, west, Patna, Bihar.
6. The branch Manager, State Bank of India, Juran chapra, Muzaffarpur, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Yugal Kishore, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar Thakur, Advocate
		Mr. Sameer Kumr, Advocate

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 02-08-2022 Petitioners have prayed for the following relief(s):

“For issuance of writ in the nature of certiorari for setting aside the letter dated 15/06/2022 (Annexure-1) issued under the signature of authorized officer, State Bank of India, SARB, Patna by which notice has send to



the petitioners that their mortgage house property, which is situated at Mouza -Islampur, Mistri Tola, Azazi Marg, Tilak Maidan road, Thana no.-347, Anchal – Mushari, P.S. - Town, Muzaffarpur vide deed no.-20468, dated 04/06/2013 registered on 4/7/2013, Khata no.- 234 (new), Khesra no.- 294 (new), Area – 881 sq. feet, is being sold by e-auction by 27/7/2022 and also writ of mandamus by which the respondents shall be directed not to sale the property of the petitioners in question till final decision / order passed by this Hon'ble high court, as it is matter of fact the respondents have never filed any case before Learned Debt recovery tribunal, Patna under The Secularization and reconstruction of financial Assets and enforcement of security Interest Act, 2002 and without any proceeding, letter dated 15/06/2022 has been issued and/or for issuance of and appropriate writ/s, order/s or direction/s for which the petitioners are found legally entitled.”

In view of the fact that Debts Recovery Tribunal is now functional, learned counsel for the petitioners, 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.



Learned counsel for the respondent states that if the petitioners were to appear before the Tribunal within two weeks, till then action would not be precipitated.

Statement accepted and taken on record.

As and when any such request is made by the petitioners before the Tribunal, 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)

K.C.Jha/DKS

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