

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11331 of 2022

=====

Rajnish Ranjan, Son of Ram Prakash Rai, Resident of Mohalla- C.T. Marg,
Gannipur, Police Station- Kazi Mohammadpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Human Resources Development Department ,
Bihar, Patna.
2. The Regional Director, Bank of Baroda through Vijaya Bank.
3. The Chief Manager, Bank of Baroda through Vijaya Bank, Aiyubi Manzil
Building, Tilak Maidan Road, Muzaffarpur.
4. Manoj Kumar Branch Manager, Vijaya bank connected in Bank of Baroda,
Aiyubi Manzil Building, Tilak Maidan, Muzaffarpur.
5. Rarun Kumar Dubey Bank Manager, Bank of Baroda Aiyubi Manzil
Building, Tilak Maidan Road, Muzaffarpur.
6. Humanshu Prasar Resident of Gandak Colony, Kachchi Pakki Sherpur,
Police Station- Sadar, District- Muzaffarpur. At present Loan Agent, Bank of
Baroda, Tilak Maidan, Muzaffarpur.
7. Krishn Murari Singh Recovery Agent, Bank of Baroda, Aiyubi Manzil
Building, Tilak Maidan Road, Muzaffarpur.
8. Dinesh Kumar Son of Satnarayan Mahto, Resident of Village- Binda, Police
Station- Musahari, District- Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Mazharul Hassan, Advocate
For the Respondent/s	:	Mr. Subhash Chandra Mishra, SC-16
		Mr. Madhukar Mishra, AC to SC-16
For respondent Nos. 2 to4	:	Mr. Vivek Prasad, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-08-2022

The petitioner has prayed for the following relief/s :-

“1(A) That the present writ
application has been filed in the nature of
certiorari or any other appropriate writ/s,



order/s, direction/s for quashing the Respondent Authority :-

(i) Notice under sub Section 127 of Section 13 of the Sarfaesi Act, 2002.

(ii) The auction of the vehicle or property which was done thereafter this notice dated 23.05.2022.”

(B) A writ in the nature of Mandamus or any other appropriate writ/s, order/s, direction/s for quashing the Respondent Authorities.

(i) That the Notice under Section 13(2) of Sarfaesi Act issued on 23.05.2022 after auction of loan vehicle.

(ii) That as per Notice date of issue 03.05.2022 and date of dispatch on 14.06.2022 loan vehicle was auctioned on 06.06.2022 before Dispatch and Received of notice.

(iii) That the Notice dated 23.05.2022 is bad in eye of law for that this writ application.

(C) Any other relief/reliefs to which the petitioner is found entitled to.

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)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	22.08.2022
Transmission Date	

