

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17550 of 2019

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Ajay Kumar Son of Satya Narayan Prasad, Resident of Mohalla- Purani Bazar, Ward No. 11, P.S. Sitamarhi District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Certificate Officer, Sitamarhi, District- Sitamarhi.
3. Bank of India through the Zonal Manager, Zonal Office, Pankaj Market, Saraiyaganj, Muzaffarpur.
4. The Chief Manager, Loan Recovery Bank of India, Pankaj Market, Saraiyaganj, Muzaffarpur.
5. The Branch Manager, Bank of India, Bazar Branch, Central Market, Main Road, Sitamarhi.
6. Surendra Sah Son of Asharfi Sah, Resident of Murlia Chowk, Ward No. 5, P.S. Sitamarhi, District- Sitamarhi, Proprietor of Maa Janki Traders, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Anuradha Singh, SC 21

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

23 15-12-2022 Petitioner has prayed for the following relief(s):-

“(I) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent no.2 to drop the certificate proceeding initiated against the petitioner being Certificate Case No.37 of 2019-20 which was initiated on the basis of requisition filed by the Respondent no.5 on the ground that for the said amount of



demand, the Respondent Bank had published e-auction notice under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as SARFAESI Act) in the daily Hindi News Paper "Hindustan" on 19.02.2018 and against the said notice, the loanee Respondent no.6 had filed S.A. No.87 of 2018 before the Debts Recovery Tribunal, Patna and the same is pending for adjudication.

(II) For a declaration that for the same demand, two parallel proceeding one before the Debts Recovery Tribunal and another before the Certificate Officer is not permissible under the law.

(III) For issuance of any other appropriate writ/writs, order /orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

On 6.12.2022 we had passed the following order :-

“Despite repeated calls, no one enters appearance on behalf of the petitioner.

In the interest of justice, matter is adjourned.

List on 15.12.2022, in the category of “Order Matters”.

Even today, despite repeated calls, none has entered appearance.



As such, present petition stands dismissed for non-prosecution.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

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