

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19064 of 2019

Saket Kumar, Son of Lallu Prasad Singh, proprietor of Saket Polisher Mill,
Resident of Village-Shivan Bigha, P.O.-Risiup, P.S.-Risiup, District-
Aurangabad

... .. Petitioner/s

Versus

1. The Punjab National Bank through the Zonal Manager, Patna
2. The Branch Manager Risiup, Punjab National Bank, P.S.-Risiup,
Aurangabad, District-Aurangabad

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Satyendra Prasad Singh, Advocate
For the Respondent/s : Mr.Kumar Priya Ranjan, Advocate
Mr. Mritunjay Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 13-12-2022 Petitioner has prayed for the following relief(s):-

- i. That the present writ application is being filed in the nature of
Certiorari for quashing the order dated 30.3.2019 passed by the
Debt Recovery Tribunal, Presiding Officer in O.A. Case No.
873/2018 for recovery of Rs.75,49,811/-; on the ground that the
due process under Sarfaesi Act, 2002 and its rules has not been
followed;
- ii. For any other relief/Reliefs for which the petitioner is entitled
for.

It is not in dispute that proceedings, subject matter of
the writ petition, are now also pending before the Debt



Recovery Tribunal, Patna, constituted under the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

As such, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to pursue the matter before another forum, including the issue, subject matter of the present petition.

Liberty as prayed for is granted.

We only hope and expect that the proceedings before the Debt Recovery Tribunal, Patna would be completed expeditiously, within a period of four weeks.

All issues raised in the present petition, including that of (a) collusion; under valuation and *mala fides*, are left open to be adjudicated by the competent authority.

The instant petition stands disposed of as withdrawn in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/Sujit

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