

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.276 of 2022

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Aakash Bothra S/o Mangi Lal Bothra Resident of Main Road, Lakari Patti,
Khushibagh, Near Jawahar High School, Purnea East, Purnea, Bihar 854305.

... .. Petitioner/s

Versus

1. The Presiding Officer, Debts Recovery Tribunal 2nd Floor, A, B and F wing,
2nd Floor, Karpuri Thakur Sadan, Ashiyana Digha Road, Patna 800025.
2. The Recovery Officer (I), Debts Recovery Tribunal, 2nd Floor, A, B and F
wing, 2nd Floor, Karpuri Thakur Sadan, Ashiyana Digha Road, Patna
800025.
3. Housing and Urban Development Corporation through its Chairman- cum-
Managing Director, HUDCO Bhawan, India Habitat Centre, Lodhi Road,
New Delhi 110 003.
4. Regional Chief, Housing and Urban Development Corporation, B- Block,
Maurya Lok, 2nd Floor, Dak Bungalow Road, Patna 800001.
5. Sri Samarendra Kumar S/o Late Surendra Pratap Thakur C/o Bhardwaj
Distributor, Nav Ratan Hall, Near M.V.I. Office, NH- 31, Police Station-
K.Hat, Dist. Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Santosh Kumar Singh, Advocate
For the Respondent/s	:	Mr.Dr. Krishna Nandan Singh, ASG
		Mr. R.K. Sharma, CGC
		Mr. Prashant Kumar, Advocate
		Mr. Nihar Nandan Abasta, Advocate

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

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

3 11-03-2022 Petitioner has prayed for the following relief(s):

“a) For issuance of an appropriate
Writ/Order or direction in the nature of



Certiorari for setting aside the judgment and order dated 28/9/2021 passed by the learned Presiding Officer, Debt Recovery Tribunal, Patna in Appeal No. 6/2021 Samrendra Kumar Vs. The HUDCO and others.

b) For delivery of possession of the property purchase by the petitioner in the auction held on 06/2/2020 by the order of Recovery Officer -I Debt Recovery Tribunal, Patna.

c) For grant of any other relief or reliefs to which the petitioner is found entitled to in the facts & circumstances of the case.”

In view of the fact that now D.R.A.T. is functional, learned counsel for the petitioner, under instructions, states that, the petition may be permitted to be withdrawn, with liberty to file an appeal before the D.R.A.T. or to initiate appropriate proceedings before the appropriate forum and to take recourse to such other alternate remedies which are equally efficacious in law.

Prayer allowed.

Petition is disposed of as withdrawn with the liberty aforesaid.

Should the petitioner file the appeal within a period of four weeks from today, the issue of limitation shall not be



allowed to come in the way and the appeal shall be heard on the merits on the basis of materials available on record.

We are passing such directions only for the reason that the D.R.A.T. was not functional and operational and the petitioner had been pursuing the remedies before this Court.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

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