

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16839 of 2022

=====

Rahul Gupta son of late Anuj Gupta resident of mohalla- Aamgola,
Muzaffarpur, P.S. Amgola, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Muzaffarpur.
2. The Sub-Divisional Officer (West), Muzaffarpur, District- Muzaffarpur.
3. The Additional Collector, Muzaffarpur, District- Muzaffarpur.
4. The Regional Manager, Canara Bank, Luv-Kush Tower, Exhibition Road, Patna.
5. The Authorized Officer, Canara Bank, Ramdayalu Nagar Branch, Muzaffarpur- 842002, District- Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ajay Prasad, Advocate
		Mr. Kaushal Kumar, Advocate
For the Respondent/s	:	Mrs. Anuradha Singh, SC-21
		Mr. Rajan Ghoshrahe, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-12-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- (i) For quashing the entire SARFAESI proceeding initiated against the petitioner without any notice to the petitioner is wholly without jurisdiction and against the provision of law.



- (ii) For quashing the Auction Sale Notice published in the daily newspaper 'Hindustan' dated 28.10.2022 whereas fixed a date for auction on 28.11.2022 without any notice to the petitioner as contemplated under section 13(2) as well as 13(4) of the SARFAESI Act.
- (iii) For quashing of Possession Notice issued on dated 21.09.2022 by the respondent bank.
- (iv) For grant of any other relief/reliefs to which this Hon'ble Court may deem fit and proper in the interest of justice.

After the matter was heard for some time, finding the Court not to be in favour of the submissions made across the Bar, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to take recourse to such other remedies, as are otherwise available, in accordance with law.

Permission granted.

We are sure that as and when any such proceedings are initiated, before the appropriate forum/Tribunal, the same shall be considered and decided expeditiously, in accordance with law.

Needless to add, period for which the petitioner has



been pursuing the matter before this Court, shall be excluded for the purpose of computing limitation.

It is made clear that we have not expressed any opinion on merits. All issues are left open.

At this stage, learned counsel for the respondents states that if the petitioner were to take recourse to the remedies under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 within a period of four weeks from today, no further coercive action shall be precipitated against the petitioner.

Statement accepted and taken on record.

The petition stands disposed of as withdrawn with the liberty aforesaid.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	14.12.2022
Transmission Date	

