

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21794 of 2019

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1. Maa Durga Mini Rice Mill through the Proprietor namely Shri Sheoji Sah, situated at Village-Lalapur, P.O. and P.S.-Kudra, District-Kaimur.
 2. Shri Sheoji Sah, Son of Shri Mathura Sah, Resident of Village-Lalapur, P.O. and P.S.-Kudra, District-Kaimur.
 3. Manju Devi, Wife of Shri Sheoji Sah, Resident of Village-Lalapur, P.O. and P.S.-Kudra, District-Kaimur.

... .. Petitioner/s

Versus

1. The Punjab National Bank, through the Branch Manager, Kudra, District-Kaimur.
2. The Punjab National Bank, through the Zonal Manager, Ara, District-Bhojpur, Ara.
3. The Chief Manager, Punjab National Bank, Kudra Branch, District-Kaimur, Bhabhua.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-12-2022

Petitioners have prayed for the following relief(s):

“1. That the present writ application is being filed in the nature of Certiorari for quashing the proclamation of sale notice dated 29.08.2019 by which the bank authority particularly Punjab National Bank, Respondent No. 2 has been pleased to issue the notice for sale of the property to e-auction on 19.09.2019; on the ground that the property has not been valued by the bank



authorities and by the authorizes officer as well as the Chief Manager in accordance with law as well as by the SARFEASI Acts or by the SARFEASI Rules.

II. That the present application is being filed in the nature of mandamus for a direction to the respondent authorities specially the chief manager, Kudra Branch as well as the Branch Manager, Kurdra Branch to re-value the property under the SARFEASI Act and SARFEASI Rules of the property of mauja Jehanabad, corrected Thana No. 687, Khata No. 30, Plot No. 1999, area 4 decimal, Lalapur, Kudra, District Kaimur.

III. For any other relief/Reliefs for which the petitioner is entitled for.”

Learned counsel for the State states that the present petition has become infructuous inasmuch as the amount stands fully paid and the loan account closed.

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.

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)

Saurabh/P.K.P.

AFR/NAFR	
CAV DATE	
Uploading Date	16.12.2022
Transmission Date	

