

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16844 of 2022

=====

Sanjay Kumar Jaiswal son of late Dr. Mathura Prasad Jaiswal resident of Mohalla- Rai Jai Krishna Road, Gurhatta, Police Station- Khajekalan, Patna City- 800008, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Patna.
2. The Additional Collector, Patna.
3. The Sub-Divisional Officer, Patna City, District- Patna.
4. The Regional Manager, Regional Office, Punjab National Bank, 2nd Floor, Chandrapura Palace, East Gandhi Maidan, Bank Road, Patna, Pin- 800001.
5. The Branch Manager, Punjab National Bank, Branch Kankarbagh, Doctors' Colony, P.S.- Kankarbagh, Patna- 800020, town and district- Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Ajay Prasad, Advocate
For the Respondent/s : Mr.Raghwendra Kumar (SC 22)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(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.)

Date : 16-12-2022

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

“(1) For quashing of possession notice
dated 03.08.2022 (Annexure-1) issued under
section 14 by the respondent authority which is
against the provision of Section 14, Subsection



(9) and subsequent 13(4) against the provision of law as well as no notice has been issued prior to issuance of Section 14 notice to the petitioner.

(11) For quashing of notice dated 09.11.2022 issued by the respondent bank whereas deputed the police force with regard to taking possession of the mortgaged property where mortgage has been already died on 22.01.2020. The respondent authority have no jurisdiction to taking a possession over the property against a dead persons as well as without notice to the petitioner and also the passion under Section 14 is provided only one month from the date of filing of the application and order can be passed whereas 3 months have been lapsed.”

After the matter was heard for some time, finding the Court not in favour of the submissions made across the Bar, learned counsel for the petitioner, under instructions, states that the petitioner shall be content if the petitioner is permitted to withdraw the present petition, with liberty to initiate appropriate proceedings before the appropriate Tribunal/forum and to take recourse to such other alternate remedies which are equally efficacious in law.

Prayer allowed.

The petition is disposed of as withdrawn with the



liberty aforesaid.

Liberty reserved to the petitioner to take recourse to such other remedies as are otherwise available in accordance with law.

It stands clarified that all issues of fact and law are left open to be agitated before the competent authority.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	20.12.2022
Transmission Date	

