

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9087 of 2018**

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Md. Danish Khan S/o Md. Jasim Khan R/o Mohalla- Moriya Ghat, P.S.-  
Kotwali, District- Gaya

... .. Petitioner/s

Versus

1. The Chief General Manager, State Bank of India, Corporate Can Madam Kama Road, Mumbai
2. The Chief General Manager, State Bank of India, Regional Head Office, West Gandhi Maidan, Patna
3. The Regional Manager, State Bank of India, Regional Office, Gaya
4. The Branch Manager, State Bank of India, Gaya Bazar Branch, G.B. Road, Gaya

... .. Respondent/s

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**Appearance :**

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|----------------------|---|-----------------------------------|
| For the Petitioner/s | : | Mr. Sanjeev Kumar, Advocate       |
| For the Respondent/s | : | Mr. Anjani Kumar Mishra, Advocate |
|                      |   | Mr. Santosh Kumar Singh, Advocate |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE PARTHA SARTHY**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 23-01-2023**

Heard learned counsel for the parties.

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

“(i) For issuance of an appropriate writ for directing the Bank authority to cancel the auction of Truck bearing Registration No. BR-02-GA-1977 which has been done on 24.04.18 without giving prior information/notice to the petitioner.

(ii) For issuance of an appropriate writ, directing the Respondents to release the Truck bearing Registration No. BR-02-GA-1977 in favour of



petitioner which was seized by the respondent-Bank on 01.11.17 without giving prior notice.

(iii) Any other relief or reliefs for which the petitioner is entitled under law as well as on facts.”

In view of the fact that Debts Recovery Tribunal is now functional, 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)**

Amrendra/PKP

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