

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14421 of 2023

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Brajendra Singh Son of Late Marya Singh Resident of Vilage-Deohalia, P.O.-Deohalia, P.S.-Ramgarh, District-Kaimur (Bhabhua). Proprietor of Jai Hanuman Jee Rice Mill at Village and P.O.-Razia Bandh, P.S.-Mohania, District-Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate-Cum-Collector, Kaimur (Bhabhua).
3. Sub-Divisional Officer, Mohania, District-Kaimur.
4. Circle Officer, Mohania, District-Kaimur.
5. Superintendent of Police, Kaimur (Bhabhua).
6. Sub-Divisional Police Officer, Mohania, District-Kaimur.
7. S.H.O., Mohania Police Station, Mohania, District-Kaimur.
8. The Chief Manager, Punjab National Bank, Circle Sastra Centre Circle Officer, Arrah, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Respondent/s : Mr. Raj Kishore Roy (Gp 18)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-10-2023 1. The present writ petition has been filed seeking the following reliefs:-

“i. For issuance of writ in the nature of Certiorari to quash the order of the Collector-cum-District Magistrate, Kaimur (Bhabhua), communicated vide Memo No.-360 dated 13.09.2023 fixing the date 09.10.2023 for physically taken possession of properties in question of the petitioner described as Mouza-Razia Bandh, Thana No.-160, Khata No.-20,



Khesra No.-119, Rakwa- 63 decimal situated at Village- Razia Bandh, P.S.- Mohania, District- Kaimur by which for taken possession physically of properties deputed Circle Officer as Magistrate and also deputed Police Force for realization of Rs. 1,67,19,248/- as said to be due with Punjab National Bank, Respondent No.-8.

ii. For issuance of further writ in the nature of mandamus directing and commanding the respondents specially respondent no.-2, District Magistrate cum Collector, Kaimur not to disturb the properties in question and stay the order vide Memo No.-360 dated 13.09.2023 till the payment of due amounts of Punjab National Bank.

Iii. For declaration and holding that petitioner deserves to pay the due amount of Bank in equal installment in 19 months after reverification of the total amount of the bank.”

2. At the outset, the learned counsel for the petitioner submits that the petitioner be granted liberty to take recourse to the remedies available under the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002, by approaching the Debt Recovery Tribunal, Patna. Liberty so sought is granted.

3. At this juncture, learned counsel appearing for the Punjab National Bank submits that at the moment, the



respondent-Bank does not seek to take any coercive action against the petitioner, inasmuch as it is contemplating withdrawing the pending SARFAESI proceedings, in order to initiate fresh proceedings.

4. In view of the aforesaid, the learned counsel for the petitioner submits that the present writ petition be disposed off.

5. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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