

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.95 of 2025

In
Civil Writ Jurisdiction Case No.18499 of 2023

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The Canara Bank and Ors.

... .. Appellant/s

Versus

Mrs. Aarti Devi, Proprietor M/s Shyam Trading

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sumeet Kumar Singh, Adv
		Mr. Shivam Singh, Adv
		Ms. Deepali Singh, Adv
		Mr. Anmol Kumar, Adv
		Mr. Amarendra Kumar, Adv
		Mr. Nikhil Singh, Adv
For the Respondent/s	:	Mr. Sanjay Kumar, Adv

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

7 13-10-2025 The appellants have preferred present LPA dated 21.01.2025 passed in CWJC No. 18499 of 2023. It is in the nature of interim order.

2. Learned counsel for the appellants submitted that appellants had preferred **Special Leave to Appeal (C) No. 8015 of 2025** in identical matter against the order dated 04.03.2025 in LPA No. 95 of 2025 passed by the co-ordinate Bench of this Court in which the following observations have been made:-

“We are not inclined to entertain the present special leave petition. We leave it open to the petitioner to raise the question of maintainability of the writ petition before the



Division Bench/writ Court. The plea, if raised, will be decided as per law.

Further, the petitioner will be at liberty to move an appropriate application before the Division Bench of the High Court, stating that unlocking of the doors would not mean that the possession of the premises has been given back to the respondents. If any such application is filed, the same will be dealt with in accordance with law.

Recording the aforesaid, the special leave petition is disposed of.

We, however, give liberty to the respondents to approach this Court for recall of this order, if required and necessary.

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

3. Perusal of the order of the Hon'ble Supreme Court is related to maintainability of writ petition is to be decided before the division bench/writ court. Whereas, this Court identical matters are decided by the learned Single Judge, hence, the present LPA is against interim order passed in CWJC No. 18499 of 2023 dated 21.01.2025. In the light of the observation made by the Hon'ble Supreme Court on 24.03.2025 in the aforementioned cited order, the appellants have a remedy before the learned Single Judge in view of the administrative allotment of cases/roster to the extent that learned Single Judge has been allotted the subject matter of deciding CWJC.

4. In the light of these facts and circumstances, the



present LPA is against the interim order, hence, we proposed to disposed of the present LPA with a request to the learned Single Judge to decide the CWJC No. 18499 of 2023 at the earliest in the light of Hon'ble Supreme Court observation. Till deciding CWJC No. 18499 of 2023 on merit, order dated 21.01.2025 passed in CWJC No. 18499 of 2023 shall not be given effect to.

5. Accordingly, the present LPA No. 95 of 2025 stands disposed of.

6. Pending Interlocutory Application(s), if any, stands disposed of.

(P. B. Bajanthri, CJ)

(Alok Kumar Sinha, J)

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