

Court No. - 3

Case :- WRIT - C No. - 39679 of 2023

Petitioner :- Modi Gupta And 2 Others

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Hausihla Prasad Mishra

Counsel for Respondent :- C.S.C, Satish Chaturvedi

Hon'ble Siddhartha Varma, J.

Hon'ble Shekhar B. Saraf, J.

1. Heard learned counsel for the petitioners, learned counsel for the Bank, Sri Sandeep Arora, and learned Standing Counsel for the State-respondents.

3. This writ petition has been filed by the petitioners against the notice dated 19.9.2023 issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the SARFAESI Act).

3. The case of the petitioners is that their father, late Basant Gupta, had purchased the property by means of registered sale deed dated 16.7.2014. After the death of the father of the petitioners, their names have been recorded in the revenue record.

4. Learned counsel for the petitioners submits that the petitioners have also been paid compensation for the land acquired for widening of the road.

5. Learned counsel for the Bank, however, states that a perusal of the notice dated 19.9.2023 reveals that it is notice to the seller of the property i.e. Sri Rajesh Kumar Yadav and if the petitioners had purchased a mortgaged property then the remedy of the petitioners is to approach the Debts Recovery Tribunal under Section 17 of the SARFAESI Act.

6. We do find merit in the submission of learned counsel for the Bank. No interference is warranted.

7. The writ petition is dismissed.

Order Date :- 28.11.2023

Rakesh

(Shekhar B. Saraf, J.)

(Siddhartha Varma, J.)