

Court No. - 3

Case :- WRIT - C No. - 40626 of 2023

Petitioner :- Smt. Saroj Devi

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Ajit Kumar Pathak

Counsel for Respondent :- C.S.C.

Hon'ble Siddhartha Varma,J.

Hon'ble Shekhar B. Saraf,J.

Supplementary affidavit filed today be kept on record.

It has been contended by the learned counsel for the petitioner that the respondent no. 6 had allegedly purchased the property fraudulently from the petitioner on 31.5.2018 and, thereafter, she had passed on the title to respondents no. 4 and 5 by a sale deed dated 11.1.2022. Learned counsel for the petitioner informs that the petitioner had filed a Civil Suit being Original Suit No. 479 of 2019 by which she had challenged the initial sale deed and, thereafter, also the subsequent sale deed by means of an amendment.

Contention of the learned counsel for the petitioner is that when the notices were issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002, (hereinafter referred to as 'the SARFAESI Act') to the respondents no. 4 and 5 and when action was taken under Section 13(4) of the SARFAESI Act, the petitioner was not given any notice.

Learned Standing Counsel Sri Anubhav Chandra states that the petitioner when had no title there was no requirement to give any notice to the petitioner.

The Court does find that the sale deed is still in existence. If the petitioner, in any manner, is aggrieved by the proceedings initiated by the respondent no. 3, she can always file an application under Section 17 of the SARFAESI Act.

With these observations, the writ petition is dismissed.

Order Date :- 28.11.2023/PK

(Shekhar B. Saraf,J.) (Siddhartha Varma,J.)