

GAHC010145012020



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4472/2020

SHALINI BHAGAT
W/O- SHRI SANDEEP KUMAR BHAGAT, R/O- VERDAMAN APARTMENT,
JANKI PATH, GANESHGURI, GHY-06, IN THE DIST. OF KAMRUP (M), ASSAM

VERSUS

UNION OF INDIA AND 3 ORS
REP. BY THE SECY., MINISTRY OF FINANCE, GOVT. OF INDIA, NEW DELHI-
110001

2:RESERVE BANK OF INDIA
THROUGH GOVERNOR
6
SANSAD MARG
NEW DELHI- 110001

3:CANARA BANK
A BODY CORPORATE AND DULY CONSTITUTED UNDER THE BANKING
COMPANIES (ACQUISITION AND TRANSFER OF UNDERTAKING) ACT
1970
HAVING ITS H.O. AT 112
J.C.ROAD
BANGALORE- 560002 DOING THE BUSINESS OF BANKING AT DIVERSE
PLACES ALL OVER INDIA AND N PARTICULAR DISPUR BRANCH AT
DISPUR
GHY-06
ASSAM AND IS REP. BY ITS CHIEF MANAGER

4:THE AUTHORISED OFFICER
CANARA BANK
R AND L SECTION
CIRCLE OFFICE
NEAR BORA SERVICE

GHY-01
KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. K N CHOUDHURY

Advocate for the Respondent : ASSTT.S.G.I.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. SUDHANSHU DHULIA

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

03-08-2021

(Sudhanshu Dhulia, CJ)

The matter is taken up through video conferencing.

Heard Mr. M. Beria, learned counsel for the petitioner. Also heard Mr. S.K. Medhi, learned Central Government Counsel and Mr. S. Borthakur, learned counsel for respondent Nos. 3 and 4.

The petitioner by means of the present writ petition has challenged the proceedings initiated by the secured creditor, i.e. Canara Bank under the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest (SARFAESI) Act, 2002. At the time when this writ petition was filed, the account of the petitioner had been declared as Non-Performing Asset (NPA) and possession of the mortgaged property was taken over by the secured creditor which was put up for public auction. This public auction was challenged by the writ petitioner in the writ petition. However, learned counsel for the secured creditor Mr. S.

Borthakur has informed the Court that pursuant to the notice (which is presently under challenge before this Court), no bidder turned up and, therefore, another notice was given by the Bank, pursuant to which the property was sold and third party interests were created, which was challenged by the petitioner before this Court by filing a writ petition being W.P.(C) No. 3084/2021, which was dismissed as infructuous by this Court on 21.06.2021. Thereafter, the matter was taken to the Supreme Court where the SLP was also dismissed.

Under these circumstances, since the present matter pertains to the earlier auction notice, which has lost its relevance in any case, the writ petition has become infructuous and the same is hereby dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant