IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12107 of 2010

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Mrs.Babita Devi W/O Sri Dinesh Prasad Sah, Proprietor of M/S Mithoo Bleaching Centre Vill-Katghar Aliganj, P.S.Mujahidpur, Distt-Bhagalpur

.... Petitioner/s

Versus

1. The Union of India
2. Zonal Manager UCO Bank Central Jail Road Jawaripur, Bhagalpur
3. Branch Manager Main Branch UCO Bank, Bhagalpur
4. Officer-in-Charge, Muzahidpur, P.S.Muzahidpur, Distt-Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sheopujan Singh
For the Respondent No.1: Mrs. Nilu Agarwal
For the Respondent/s : Mrs. Kanak Verma, CGC

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 27-03-2015

Heard the parties.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India questioning the validity and correctness of the notice dated 04.07.2010 (Annexure-4) issued by the respondent no.2 under section 13(2) of The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (In short “SARFAESI Act”).

A supplementary counter-affidavit has been filed on behalf of the respondent no. 2 and 3 wherein it has been stated that in the light of the observations made by this Court by order dated 30.07.2010, the impugned notice issued under section 13(2) and the action taken under section 13(4) of the SARFAESI Act were not given effect to as the petitioner deposited certain amounts and her account was regularised. However, it has further been stated in the aforesaid supplementary counter-affidavit that the petitioner is a habitual defaulter and again her account has been classified as Non-performance Assets on 30.09.2014 and fresh notice under section

13(2) of the SARFAESI Act has been issued on 19.02.2015 for recovery of the Bank debts.

In view of the averments made in the aforesaid supplementary counter-affidavit, this Court is of the opinion that the present writ petition has become infructuous. It is, accordingly, dismissed.

However, the petitioner, if so advised, may file her objection/ representation in terms of Section 13(3A) of the SARFAESI Act, which, it is expected, shall be considered in accordance with law by the respondent Bank.

(Birendra Prasad Verma, J)

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