

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12735 of 2012

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1. Anama Sinha W/o Shri Dineshwar Dayal Sinha, Permanent Resident of Village- Kushi, P.S. - Karakat, District Rohtas, presently residing at K.K. Colony, P.S. - Chas, Town and District - Bokaro
 2. Smt. Smeeta Sinha W/o Ajay Kumar R/O Village- Devi Bigha, P.S.- Daudnagar, District- Aurangabad

.... Petitioners

Versus

1. The Allahabad Bank, a Banking Company having its registered office at 2 Netaji Subhash Road, Kolkata-700001, through its Chairman-Cum-Managing Director
2. The Assistant General Manager, Allahabad Bank, Zonal Office, Patna
3. The Senior Manager, Allahabad Bank, P.P. Colony Branch, Surya Place Apartment, Boring Patliputra Road, Patna
4. The Authorized Officer, Allahabad Bank, Zonal Office, Patna
5. The State Of Bihar through the District Magistrate cum Collector, Patna
6. The District Sub Registrar, Sadar, Patna

.... Respondents

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Appearance :

- For the Petitioners : Mr. Gautam Kejriwal, Advocate
For the State : Mr. Yashraj Bardhan, AC to SC 2
For Respondent-Bank : Mr. Ajay Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-08-2016

Heard learned counsel for the petitioners and learned counsel for the respondents.

2. The present writ petition has been filed for quashing the notice of sale issued under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the "SARFAESI Act, 2002") by the respondent Authorized Officer whereby vide item 2 of the same, the landed assets of the petitioners have been put on auction sale; and for connected reliefs.

3. Without going into the merits of the matter, learned counsel for the respondent-Bank at the very outset states with reference to paragraph 4 of its counter affidavit that the sale of the property in question finalized in favour of one Sri Shyam Narain Singh for Rs. 7,00,000/- did not finally materialize and the amount of Rs. 1,75,760/- deposited by him was refunded. It is submitted that the writ petition has now become infructuous.

4. In view of the aforesaid stand of the respondent-Bank, the writ petition stands dismissed.

5. It is made clear that this Court has not expressed any opinion on the merits of the matter.

(Vikash Jain, J)

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AFR/NAFR	NAFR
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