

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8552 of 2016

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Lal Babu Sah son of Late Rama Sah, Resident of Village/Mohalla- Purani Gudari,
Turha Toli, Ward No.10, Bettiah, Police Station (Town), District- West Champaran.

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, West Champaran at Bettiah.
2. The Sub Divisional Officer, Sadar, Bettiah, West Champaran.
3. The Special Officer, Krishi Utpadan Bazar Samiti, Bettiah, West Champaran.
4. The Regional Manager, UCO Bank, Maurya Lok Complex, 4th Floor, Block A,
New Dak Banglow Road, Patna.
5. The Senior Manager, UCO Bank, Bettiah Branch, District- West Champaran.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Respondent/s : Mr. PURNENDU SINGH- GP27

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-06-2016

Heard learned counsel for the petitioner and learned
counsel for the respondent bank.

2. The present writ petition has been filed for quashing the
notice dated 03.02.2015 (Annexure-5) issued by the respondent no. 4
by which the petitioner has been directed to deposit Rs. 15, 79,404.46.

3. I.A. No. 4178 of 2016 has been filed with a prayer to
stop the auction sale of the house of the petitioner till the disposal of
the present writ petition.

4. Having regard to the nature of the prayer I.A. No. 4178
of 2016 stands allowed.

5. At the very outset this Court takes note that in the main
writ petition, the petitioner has merely challenged the notice under

Section 13(2) of the Securitization and Reconstruction of Financial Assets And Enforcement of Security Interest Act, 2002 (for short the ‘SARFAESI Act’) without however, approaching the respondent bank by filing his objection under Section 13(3A) thereunder. Even through I.A. No. 4178 of 2016 it has merely been prayed for stopping the auction sale of the petitioner’s house without so much as stating the details of any possession notice under Section 13(4) of the SARFAESI Act which may have subsequently been served upon him, much less seeking for quashing of the same.

6. This Court is therefore of the view that no relief can be granted to the petitioner in such circumstances and accordingly the writ petition stands dismissed.

7. It is made clear that the present judgment would not stand in the way of the petitioner in approaching the respondent bank for settlement of his dues which may be considered on its own merits in accordance with law.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	N/A
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