

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13608 of 2017

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1. Ranjan Kumar son of Late Surendra Prasad Singh, resident of village Lalganj Sehra, P.S. Paliganj, District - Patna presently residing at Mohalla - Chapra Lodi @ Maripur, P.S. Muzaffarpur, District Muzaffarpur.
 2. Indu Kumari wife of Late Abhay Nandan Choudhary, resident of village Patori, P.O. Patori Basan, District - Darbhanga presently residing at Mohalla - Laheriasarai, P.S. Laheriasarai, District - Darbhanga.

.... Petitioners

Versus

1. The Chief Manager, Zonal Office, Corporation Bank, Patna.
2. The Authorised Officer, Corporation Bank, Hathikhana Branch, Saguna More, Danapur, District - Patna.
3. The Branch Manager, Corporation Bank, Hathikhana Branch, Saguna More, Danapur, District - Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Mrigank Mauli,
Mr. Vinay Mistry, Advocates

For the Respondents : Mr. Manish Kishore, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21-02-2018

Heard learned counsel for the petitioners as well as learned
counsel for the respondents.

2. The present writ petition has been filed for the following
reliefs –

“(i) For issuance of a writ in the nature of Certiorari for quashing of Notice of Auction sale dated 01.09.2017 (Annexure-P/4) issued by the Corporation Bank, Hathikhana Branch, Saguna More, Danapur, District Patna and the same has been published in daily newspaper “Hindustan” on 02.09.2017 whereby the date



of Auction was fixed on 03.10.2017 with regard to the Secured Assets namely Land, Plant & Machineries and the Building of the Guarantors without any notice under Section 13(2) and 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) to the petitioners.

(ii) For issuance of a writ in the nature of Mandamus directing the respondents not to sale in Auction of the mortgaged Land and Residential House of the petitioners as the borrower is still ready and willing to reconcile the issues with the respondents in the facts and circumstances of the case.

(iii) For issuance of such other writ(s), order(s), direction(s) as your Lordships may deem fit and proper.”

3. It transpires however that no bidder turned up for the auction sale and the auction notice has thus become infructuous which led to issuance of a fresh notice of auction on 31.01.2018 whereby the date of auction has been fixed on 21.02.2018 and for which I.A. No. 1148 of 2018 has been filed by the petitioners.

4. Learned counsel for the respondent-Bank makes statement at the Bar that even though second auction has been fixed today, once again no bidder has turned up and as such, auction notice has become infructuous.

5. Having regard to the stand taken on behalf of the



respondent- Bank, the writ petition stands dismissed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	26.02.2018
Transmission Date	N.A.

