

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2079 of 2018

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Savitri Devi W/o Sh. Prabhu Nath Singh R/o Village + P.O.- Muradabad, P.S.-
Sasaram, District-Rohtas (Bihar).

.... Petitioner

Versus

1. Punjab National Bank, Head Office at 7, Bhikaji Cama Place, New Delhi-110066 through the Chairman-cum-Managing Director.
2. The Chairman-cum-Managing Director, Punjab National Bank, Head Office at 7, Bhikaji Cama Place, New Delhi-110066.
3. The General Manager, Punjab National Bank, Zonal Office, Bir Chand Patel Marg, Patna.
4. The Circle Head, Punjab National Bank, Circle Office, Regal Complex, 3rd Floor, G.M. Road, Arrah.
5. The Chief Manager, Punjab National Bank, Circle Office, Regal Complex, 3rd Floor, G.M. Road, Arrah.
6. The Authorized Officer, Punjab National Bank, Sasaram (Rohtas)
7. The Branch Manager, Punjab National Bank, Sasaram (Rohtas).

.... Respondents

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Appearance :

For the Petitioner : Mr. Chhote Lal Mishra, Advocate

For the Respondents : Mr. Kumar Priya Ranjan

Mr. Niraj Kumar, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-05-2018

I.A. No. 3383 of 2018

The interlocutory application has been filed with the prayer
for amendment of the relevant portion of the prayer in the writ
petition by adding the following prayer –

*“For quashing of the notice published in the newspaper
“Prabhat Khabar” dated 15.04.2018 for sale of the
mortgaged property of the petitioner described at sl. No.
4 through e-action on 03.05.2018.”*

2. Learned counsel for the parties jointly state that the



auction to be held on 03.05.2018 has failed as no bidder has turned up.

3. In the above view of the matter, the interlocutory application has become infructuous and is dismissed.

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4. The main writ petition has been filed for the following reliefs --

(i) For quashing of the entire SARFAESI proceeding initiated by Respondent-Bank on the mortgaged property of the petitioner as the same is wholly illegal, without following the procedure described in SARFAESI Act and Rules.

(ii) For also quashing of the e-auction notice published by the Respondent-Bank in the daily "Hindustan" dated 06.01.2018 for sale of the property of the petitioner described therein at sl. No. 2 on 09.02.2018.

(iii) And also for direction upon the Respondent-Bank to provide the statement of loan account with rate of interest charged, the amount of interest charged, the NPA date and the correct outstanding dues and thereupon for direction to the Respondent-Bank to provide adequate time to the petitioner to enable her to pay and clear the outstanding amount of the loan Account of M/s. Vibha Enterprises and thereupon permit to carry out transaction with this account or alternatively for direction to the Respondent - Bank to settle the loan account under OTS and allow the dues to be paid within 24 months.

(iv) Further for direction to the Respondents not to take



any coercive action against the petitioner for sale of immovable property mortgaged with Bank in pursuance of publication of e-auction notice in newspaper.

(v) For any other appropriate relief/reliefs to which the petitioner is found entitled in the facts and circumstances of this case”.

5. This matter has been listed out of turn on the request of the petitioner on the ground that the property of the petitioner has been put on auction which was to be held on 03.05.2017.

6. As stated above, the auction has failed and the mortgaged property of the petitioner could not be auctioned in absence of willing buyers, as such the matter does not involve urgency.

7. This Court also takes notice that the petitioner has statutory remedy available by way of appeal under Section 17 of the SARFAESI Act, which has not been availed of.

8. In this view of the matter, this Court is not inclined to enter upon the merits of the matter.

9. The writ petition stands disposed of with liberty to the petitioner to approach the appellate forum for redressal of his grievances. In case any such appeal is filed within a period of 30 days from today, the same shall be considered and disposed of on its own merits in accordance with law.

10. It is made clear that in case such an appeal is filed, the concerned authority would have regard to the present proceeding



being pursued by the petitioner while considering any issue relating to
condonation of delay, if applicable.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07.05.2018
Transmission Date	N.A.

