

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17270 of 2018

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1. Shweta Kumari @ Kumari Shweta , D/o Sri Tarani Prasad Sinha, W/o Sri Anjani Kumar resident of Shyama Sadan, Mohanpur Pump House, Punai Chak, P.O- G.P.O, P.S.- Sachiwalaya, District- Patna.
 2. Anjani Kumar, S/o Sri Bhubneshwar Prasad Srivastava, resident of Shyama Sadan, Mohanpur Pump House, Punai Chak, P.O.- G.P.O, P.S.- Sachiwalaya, District- Patna.

.... Petitioner/s

Versus

1. Central Bank of India having its Central Office at “Chander Mukhi”, Nariman Point, Mumbai-400021
2. Central Bank of India through its Regional Office, Mauryalok Complex, Patna- 800001.
3. Central Bank of India through its Chief Manager, Patna Main Branch, Dak Bunglow Road, Patna- 800001.
4. M/s Magadh Housing, Regd. Office- CA/62, Peoples’ Co-operative Colony, Kankarbagh, Patna- 800020.
5. Dr. Manindra Nath Mishra, S/o Late Shyam Nath Mishra, resident of CA/62, Peoples’ Co-operative Colony, Kankarbagh, Patna-800020.
6. Sri Kanhaiya Kumar Verma, S/o Late Chaturbhuj Prasad, resident of “Ritakunj”, Tilak Nagar, New Chitragupta Nagar, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Indrajesh Kumar, Adv.

For the Respondent/s : Mr. Ajay Kumar Sinha, Adv.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date: 28-08-2018



Heard learned counsel for the petitioners and learned counsel appearing on behalf of the Central Bank of India.

Petitioners challenge the auction notice issued in the newspaper fixing date of auction as 29.08.2018 which is contained in Annexure-5.

Learned counsel for the petitioners submits that they had raised certain objections before the respondent no. 3 i.e. the Chief Manager, Patna Main Branch, Dak Bungalow Road, of the Central Bank of India which has been rejected without assigning reasons.

Without going into the merit of the case, since the Bank has initiated SARFAESI proceedings against the petitioners and in pursuance to the SARFAESI proceedings, the auction sale notice has been published vide Annexure-5, there is an alternative remedy of appeal before the Debt Recovery Tribunal under the SARFAESI Act, 2002.

This writ application is disposed off with an observation that the petitioners are at liberty to approach the Debt Recovery Tribunal, Patna within a week i.e. by 05.09.2018 and delay of any would be condoned. Any 3rd party right created in pursuance to the auction dated 29.08.2018 will be result of the



decision taken by the Debt Recovery Tribunal, Patna in the appeal so preferred by the petitioner.

Since the writ is being disposed off, the defects pointed out by the office and removed by the petitioner on 27.08.2018 will not require further scrutiny.

(Nilu Agrawal, J)

Devendra/Priyanka

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.08.2018
Transmission Date	NA

