

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4559 of 2018

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Surendra Sah, Son of Asharfi Sah, R/o Village- Murliachak, Ward No. 5, P.S.-
District- Sitamarhi, Proprietor of Maa Janki Traders at Sitamarhi.

.... Petitioner/s

Versus

1. The Zonal Manager, Bank of India, Zonal Office, Pankaj Market, Saraiyaganj, District- Muzaffarpur- 842001.
2. The Chief Manager, Loan Recovery Bank of India, Pankaj Market, Saraiyaganj, District- Muzaffarpur- 842001, Bihar.
3. The Branch Manager, Bank of India, Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Respondent/s : Mr. Nishi Nath Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 27-03-2018

The present writ petition has been filed for setting aside the auction of the petitioner's shop published in the daily newspaper 'Hindustan' dated 19.02.2018 (Annexure-3) without following the mandatory provisions of Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the SARFAESI Act") and for a further direction to the respondents to not disturb the smooth functioning of the petitioner's wholesale trade of rice which is running the name of 'Maa Janki Traders' in Sitamarhi.

2. The immediate concern of the petitioner is that the mortgaged property of the petitioner has been put on auction as provided under Section 13(2) of the SARFAESI Act in terms of auction



notice published on 19.02.2018 (Annexure-3)

3. Learned counsel for the respondent-bank on instructions states that no bidder has turned up for the auction scheduled for tomorrow, which has therefore, failed.

4. Having regard to the stand of the respondent- Bank as well as the nature of the prayer in the writ petition, this Court is not inclined to interfere in the matter relating to recovery of dues of the bank by resort to proceeding under the SARFAESI Act, inasmuch as the petitioner has adequate statutory remedy for redressal of his grievances.

5. The writ petition stands disposed of with liberty to the petitioner to avail of such remedy as may be available to him in accordance with law for redressal of his grievances.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.03.2018
Transmission Date	NA

