

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5160 of 2019

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Rupesh Kumar Baidya @ Rupesh Kr. Baid Son of Late Sohan Lal Baidya,
Resident of Patal Babu Road, Narayan Ganpati Complex Mohalla-
Mundichak, P.S. Kotwali, District-Bhagalpur

... .. Petitioner/s

Versus

1. The General Manager, Bank Of Baroda and Ors Corporate Centre, C-26, G Block, Bandra Kurla Complex, Bandra (E), Mumbai-
2. The General Manager, Bank of Baroda, Anand Vihar 4th Floor, West Boring Canal Road, Patna-800001 (Bihar)
3. The Assistant General Manager, Regional Office, Bank of Baroda, Muzaffarpur (Bihar)
4. The Senior Manager, Bhagalpur Branch, Bank of Baroda, Dr. R.P. Road, Bhagalpu Bihar
5. The Director, Department of Industries, Government of Bihar Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Respondent/s : Mr.Kinkar Kumar (SC9)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-08-2019 Petitioner in this case has challenged the notice of sale of immovable properties issued under Rule 8(5) and 9(i) of the Security Interest (Enforcement) Rules, 2002 by the authorized officer of the Bank of Baroda, Bhagalpur. By the impugned notice, E-auction sale was notified fixing a date on 27.08.2018.

Learned counsel for the bank has raised a preliminary objection as to the maintainability of the writ application and its entertainment in view of the equally efficacious remedy available to the petitioner under the Securitisation and



Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (hereinafter referred to as the 'Act of 2002) against any of the measures taken by the authorized officer of the bank under Section 13(4) of the Act of 2002. Notice for sale is one of those measures enumerated under Section 13(4) and hence, learned counsel for the bank submits that there was no reason for the petitioner to file the present writ application. Reference in this regard has also been made to the judgment of the Hon'ble Supreme Court in the case of **United Bank of India Vs. Satyawati Tondon & Ors.** reported in **(2010) 8 SCC 110**. It is further submitted that even the date of sale notice has expired.

In the aforesaid view of the matter, this Court finds substance in the submission of the learned counsel for the Bank. This writ application is wholly misconceived and cannot be entertained on the face of the remedy available to the petitioner under the Special Statute itself.

This writ application stands dismissed.

(Rajeev Ranjan Prasad, J)

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