# IN THE HIGH COURT OF JUDICATURE AT PATNA
**Civil Writ Jurisdiction Case No.3841 of 2019**

======================================================

Amarendra Kumar, aged about 47 years, Male, Son of Late Ram Sughar Resident of Mohalla- Jayprakash Nagar, P.S. Jakkanpur, District- Patna.

... ... Petitioner/s

Versus

1. Bank of Baroda through East General Manager, Patna Circle Boring Road, Patna.
2. Regional Manager, Bank of Baroda Muzaffarpur Zone District- Muzaffarpur.
3. The Branch Manager, Bank of Baroda, S.A.F. Hajipur Branch, Shukla Market, Hospital Raod Hajipur, Vaishali.
4. Authorized Officer/ Chief Officer Main Branch, Bank of Baroda, Patna, District- Patna.

... ... Respondent/s

======================================================

**Appearance :**

| | | |
|---|---|---|
| For the Petitioner/s | : | Mr.Amarendra Kumar. |
| For the Respondent/s | : | Mr.Manish Kishore. |

======================================================

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL ORDER

2 26-02-2019 This writ application has been preferred for quashing the Advertisement published by Bank of Baroda, Regional Office, Patna in daily newspaper 'Prabhat Khabar' on 13.02.2019 with respect to the petitioner's house standing at Serial No.5. It is submitted that the petitioner is ready and willing to make payment of the outstanding dues to the Bank if an opportunity is given the petitioner to do so.

On the other hand learned counsel representing the Bank submits that the Bank had given a notice under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (hereinafter referred to as the SARFAESI Act, 2002) to the petitioner but the same was not replied. Further it is submitted that possession action under Section 13 (4) of the SARFAESI Act, 2002 was also taken as back as on 16.01.2018. The said possession action was under challenge in S.A. No.127 of 2018 before the Debts Recovery Tribunal, Bihar. The challenge, however, failed vide order dated 14th January, 2019 passed by the Debts Recovery Tribunal. Learned counsel submits that the action taking possession of the mortgaged assets and the order dated 14.01.2019 passed in S.A. No.127 of 2018 are not under challenge in the present writ application. It is submitted that now Bank has proceeded further towards sale of the mortgaged assets in accordance with the provisions of the SARFAESI Act, 2002 and the Rules framed thereunder. In the whole writ application nothing has been brought to the notice of this Court as to how the sale notice is bad in law. It is further submitted that the petitioner has still a remedy before the Debts Recovery Tribunal, Patna if he is aggrieved by the sale notice for any single and final decision.

Having heard learned counsel for the parties and on perusal of the records, this Court is of the considered opinion that learned counsel for the Bank has taken a correct stand. On perusal of the writ application it does not show any ground much less legal and valid ground assailing the sale notice. It is also true that against the sale notice the petitioner has a remedy before the Debts Recovery Tribunal where he can demonstrate the infirmities and illegalities in the sale notice.

This writ application is, thus, not entertained. It is being disposed of with liberty to the petitioner, if so advised to approach the Debts Recovery Tribunal, Patna for appropriate remedy. If such an application is filed, the same will be considered on its own merit.

**(Rajeev Ranjan Prasad, J)**

R.R.Ojha/-

| | | | |
|---|---|---|---|
| **U** | | | |