

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20636 of 2018

1. M/s Surya Automobiles, at Resident of Suraj Nagar, Post – Akauna Bazar, P.S. – Mufassil, District – Nawada, through it's partner Binay Kumar @ Binay Kumar Singh.
2. Anirudh Prasad Singh son of Late Suraj Dev Prasad Singh, Resident of Suraj Nagar, Post Akauna Bazar, P.S.- Mufassil, District- Nawada.
3. Binay Kumar Singh @ Binay Kumar son of Late Ram Nandan Prasad Singh Resident of Suraj Nagar, Post- Akauna Bazar, P.S. Mufassil, District- Nawada.
4. Smt. Radha Devi, wife of Late Bhushan Prasad Singh, Resident of Suraj Nagar, Post Akauna Bazar, P.S.- Mufassil, District- Nawada.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Govt. of Bihar, Patna.
2. The Zonal/ General Manager, Central Bank of India, 2nd Floor, Maurya Lok Complex, Patna, Bihar.
3. The Regional Manager, Central Bank of India, Regional Office, 2nd Floor Maurya Lok Complex, Patna.
4. The Authorized Officer, Central Bank of India, Zonal Officer, 2nd Floor, Maurya Lok Complex, Patna,
5. The Branch Manager, Central Bank of India, Branch Nawada, Kadam Kuan Chauk, Station Road, Patna.
6. Ravishankar Singh S/o- Akhileshwar Prasad Singh, Resident of Mohalla- Chandralok Bhawan New Area Bishar Talab, P.S. Gaya Civil Lines, District- Gaya.
7. Binita Singh W/o Ravishankar Singh, Resident of Mohalla- Chandralok Bhawan New Area Bishar Talab, P.S. Gaya Civil Lines, District- Gaya.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.P.K. Sahi, Senior Advocate Mr.Ajay Kr. Singh, Advocate Mr.Bipin Kr., Advocate
For the Respondent Bank:		Mr.Ajay Kumar Sinha, Advocate
For the Res. No. 6 & 7	:	Mrs. Nivedita Nirvikar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 07-02-2019 Heard learned Senior Counsel representing the petitioners, learned counsel representing the Bank and learned counsel representing the respondent nos. 6 & 7.

While learned Senior Counsel representing the petitioners submits that he is looking for an opportunity to settle the dues of the



Bank and redeem the property under sale, it has been informed to this Court that pursuant to e-auction notice dated 20.07.2018, now the sale has already taken place in favour of respondent nos. 6 and 7. Learned Senior Counsel, therefore, understands the difficulty in persuading this Court giving him another opportunity to enter into the settlement with the Bank unless the auction sale in favour of respondent nos. 6 and 7 is set aside in accordance with law.

Learned counsel for the Bank and respondent no. 6 and 7 both have placed before this Court a copy of the order dated 03.07.2018 passed in C.W.J.C. No. 11746 of 2018 from which it appears that earlier when sale notice dated 10.06.2018 was issued, the petitioner had moved this Court challenging the said sale notice and while declining to interfere in the matter, this Court took note of the fact that the petitioner earlier entered into compromise with the Bank but had failed to abide by the promise made therein.

It appears that another sale notice dated 20.07.2018 was issued and this time the sale has taken place and the sale certificate has already been issued but the deed has not been registered.

Learned Senior Counsel representing the petitioners at this stage submits that the petitioners may be allowed to withdraw this writ application with liberty to challenge the sale notice/auction sale which has taken place pursuant to the sale notice before the appropriate forum under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security



Interest Act, 2002.

In the given facts and circumstances of the case, this writ application is being disposed of as withdrawn but with liberty as prayed for to the petitioners to seek their remedy before the appropriate forum within a period of 30 days from today, in accordance with law. For a period of 30 days from today, the Bank will maintain status quo which will be subject to the final outcome, if any proceeding is brought before the appropriate forum. It will be opened for the petitioner to pray for further reliefs before the appropriate forum after a period of 30 days.

In case any question of limitation arises, the petitioners will seek condonation of delay on the grounds, inter alia that this writ petition was presented before this Court on 01.10.2018.

The writ application is disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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