

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8476 of 2016

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Usha Devi wife of Sri Jai Prakash Sharma resident of village- 14 Hawaii Adda
near Naka No. 2, P.S.- Katihar Sahayak, District- Katihar

... .. Petitioner

Versus

1. The Zonal Manager, Central Bank Of India, Zonal office, Mouryalok, Patna
2. The Regional Manager, Central Bank of India, Regional Office Purnea, Sneha Bhawan, Bhatta Bazar, Purnea
3. The Branch Manager, Central Bank of India, Rly. Colony Branch, Manihari Morh, Mirchaibari, Katihar
4. Jai Prakash Sharma son of Sri Dashrath Sharma, resident of G.M. Rahman Colony, Hawaii Adda, Katihar. Loanee

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Rajendra Prasad Sah, Advocate
For the Bank	:	Mr.Ajay Kumar Sinha, Advocate
For Pvt. Respondent	:	Mr. Rana Ishwar Chandra, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 14-02-2019 Heard learned counsel for the petitioner, learned counsel representing the Bank and learned counsel for the private respondent.

This writ application has been preferred for setting aside e-auction sale conducted by the Bank under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as 'the SARFAESI Act, 2002') in which the private respondent has been declared successful and the mortgaged property is said to have been sold in favour of the private respondent.

This Court is unable to entertain the present writ



application on the face of a statutory remedy of filing a securitization application under Section 17 of the SARFAESI Act, 2002. The petitioner claims that she is a guarantor of the loan and is aggrieved by the e-auction sale conducted by the Bank.

If it is so, she may seek her remedy under the statute itself, if so advised. The Court is also keeping in mind the judgment of the Hon'ble Supreme Court in the case of **United Bank of India Vs. Satyawati Tandon and Ors.** reported in **(2010) 8 SCC 110**.

This application is, thus, disposed off with liberty to the petitioner as stated above.

(Rajeev Ranjan Prasad, J)

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