

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18404 of 2019

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Neeraj Kumar Son of Sri Gopalji Prasad R/o Village-Kajibazar, Police
Station-Maharajganj, District-Siwan

... .. Petitioner

Versus

1. Bank of India through its Zonal Manager, Muzaffarpur Zone, Bihar
2. Chief Manager Bank of India, Muzaffarpur Branch, Bihar
3. Authorised Officer, Bank of India, Muzaffarpur, Bihar
4. Branch Manager, Bank of India, Harajganj Branch, Siwan

... .. Respondents

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Appearance :

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

For the Respondent/s : Mr.Ajay Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-11-2019 The petitioner has moved this Court in writ application against the auction notice issued under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the 'SARFAESI Act, 2002').

Learned counsel for the petitioner submits that after some payment was made, the auction sale has been stopped and once again a fresh notice has been served upon him.

Learned counsel for the Bank submits that whatever be the position, the writ application is fit to be dismissed as against an auction sale notice the remedy of the petitioner lies before the Debts Recovery Tribunal under Section 17(4) of the SARFAESI Act, 2002.



At this stage, since the auction sale has not taken place and it is the submission of the learned counsel for the petitioner that after some payments were made to the Bank, the auction sale notice has not been given effect to, in the opinion of this Court, nothing survives in this writ application. It has become infructuous and it is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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