

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(C) No. 2346 of 2020

1. Rajesh Valyarni, S/o Shri Bhagwandas Valyarni, Aged About 59 Years Occupation Business, R/o L. I. G. - 16, Sector 1, Devendra Nagar, Raipur, District - Raipur Chhattisgarh.

---- Petitioner

Versus

1. State Bank Of India, Through Branch Manager, Stressed Property Recovery Department, Block B 1, Pujari Chambers, Pachpedhi, Naka, Raipur Chhattisgarh.
2. Nanakchand Santani, S/o Shri Mulchand Santani, Aged About 52 Years R/o H. No. A - 2, Ashoka Park, Shankar Nagar, Raipur, Chhattisgarh.
3. Smt. Jasbir Kaur, W/o Shri Paramjit Singh Gandhi, Aged About 45 Years Through Power Of Attorney Holder Shri Paramjit Singh Gandhi, R/o C-13, Sector 3, Devendra Nagar, Raipur, Chhattisgarh.

---- Respondents

For Petitioner : Mr. Rakesh Pandey, Adv.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06.10.2020

1. The challenge in the present writ petition is to the auction notice issued by the respondent No. 1 (Annexure P/1) dated 30.08.2020.
2. At the outset, this Court is of the opinion that the writ petition may not be sustainable mostly on two grounds. Firstly, the fact that the petitioner is not the actual owner of the property which is being put to auction, and secondly, the notice has been issued invoking the provision of SARFAESI Act, 2002. Under the provision of the said Act, there is a mechanism provided to challenge the proceedings drawn by the lender bank invoking the provision of the said Act.

3. For the aforesaid two grounds, this court is of the opinion that the writ petition before this Court in its present form would not be maintainable.
4. Admittedly from the pleading of the writ petition, it is evidently clear that the petitioner in-fact is not the owner of the property but is said to be claiming the right over the said property on the basis of some agreement to sale that too which was not entered into the owners.
5. The present writ petition accordingly stands rejected. Reserving the right of the petitioner to avail other remedies available to him under law.

Sd/-
(P. Sam Koshy)
Judge