

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14643 of 2021

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Satyendra Narayan Singh, aged about 59 years, (male), son of late Bharat Prasad Singh, resident of Road No. 5B, House No. 46, Indrapuri, P.S. Patliputra, District Patna- 800024.

... .. Petitioner/s

Versus

1. The General Manager, Union Bank of India, Zonal Office, Nasheman Bhawan, First Floor, Majahrul Haque Path, Frazer Road, Patna.
2. The Authorized Officer, Union Bank of India, Zonal Office, Nasheman Bhawan, First Floor, Majahrul Haque Path, Frazer Road, Patna.
3. The Branch Manager, Union Bank of India, Branch Raja Bazar, Patna-14.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Sinha, Adv.
Mr. Aditya Nr. Singh, Adv.
For the Respondent- Bank: Mr. Shivendra Kumar Roy, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 25-08-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present writ petition has been filed seeking the following reliefs:-

“(i) For issuance of a writ in the nature of certiorari for quashin 1 05.08.2021 under the signature of



authorized officer of the respondent Bank whereby and whereunder the residing house of the petitioner is going to be E-auction on 26.08.2021 at 11.30 AM to 1.30 P.M. which is published in a daily News Paper 'Dainikjagran' on 07.08.2021 by way of inviting bids from the public through online on www.mstcecommerce.com/auction/home/ibapi/index.jsp (Annexure-3).

(ii) For issuance of an appropriate writ, order or direction to the above mention respondents No. 1 to 3 for not harassing the petitioner unnecessarily.”

At the outset, the learned counsel for the petitioner, Shri Aditya Narain Singh, Advocate, submits that the petitioner be granted liberty to approach the learned Debt Recovery Tribunal, Patna for appropriate reliefs, however, in the meantime some interim relief be granted to the petitioner by way of staying the auction, which is going to be held tomorrow.

Per contra, the learned counsel for the respondent- Bank, Shri Shivendra Kumar Roy, submits that even if the auction is held tomorrow, the conveyance of the property to the successful bidder would take some time. In any case, it is submitted that the auction sale is amenable to challenge by the aggrieved person before the Ld. Debts Recovery Tribunal, which is fully empowered to even cancel the auction sale and restore the possession of secured assets or management of secured assets to the borrower or such other aggrieved person, in case it is found that the measures taken are not in accordance v s of the SARFAESI Act, 2002 and



the rules made thereunder.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed of as not pressed, however, with liberty to the petitioner to approach the learned D.R.T., Patna for redressal of his aforesaid grievances.

Having regard to the prevailing Covid 19 pandemic situation, which has persuaded this Court to take an equitable view, this Court deems it fit and proper to direct the respondent- authorities not to issue the sale certificate of the property in question, in case the auction sale fructifies tomorrow, for a period of two weeks from today, in order to enable the petitioner to approach the learned D.R.T., Patna.

(Mohit Kumar Shah, J)

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