

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18395 of 2021

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Smt. Archana Devi Wife of Shri Birendra Kumar, Resident of Shokhara-2,
Kalambagh Tola, Barauni, District-Begusarai, Pin 851112.

... .. Petitioner/s

Versus

1. The Authorized Officer, Secured Assets Recovery Branch (SARB) State Bank of India, 2nd Flor, Patna Main Branch Building, West Gandhi Maidan, Patna 800001.
2. The Branch Manager, State Bank of India, Industrial Area Branch, Deona, Begusarai.
3. The Registrar, Debts Recovery Tribunal, 2nd Floor, Karpuri Thakur Sadan, Kendriya Karamchari Parisar (GPOA), Ashiana-Digha Road, Patna- 800025.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Prasad, Adv
For the Bank	:	Mr. Santosh Kumar Singh, Adv

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-11-2021

Heard learned counsel for the parties.

(i) For quashing the auction sale notice pasted on the all of the petitioner's establishment premises on dated 15.09.2021 as well as also published in the daily newspaper on 17.09.2021 whereas the date was fixed for auction sale of the mortgaged property on 25.10.2021.

(ii) For issuance of a direction to the respondent Registrar, Debts Recovery Tribunal, Patna (Respondent no.3) to dispose of the Sarfaesi Appeal filed by the petitioner vide Sarfaesi Appeal No. 172/2021, although the post of the Presiding Officer of Debts Recovery Tribunal, Patna is vacant. Therefore, the petitioner has no other alternative remedy except to move this Hon'ble Court.

(iii) For grant of any other relief or reliefs to which the petitioner may be found entitled in the interest of justice."

Learned counsel for the respondent-Bank states that

auction sale of the mortgage property could not be finalized for the reason that no bidder came forward pursuant to the advertisement published in the daily newspaper on 17.09.2021.

As such, we dispose of the present petition reserving liberty to the writ petitioner to take recourse to such remedies as are otherwise available in accordance with law.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/rajiv-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA