

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 19335 of 2021

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1. Sanjay Kumar Singh Son of Mahesh Prasad Singh Resident of Maa Complex, Saketpuri Bazar Samittee, P.O. and P.S.- Bahadurpur, District-Patna-16.
 2. Smt Annu Singh Wife of Sanjay Kumar Singh Resident of Flat No. 609, sixth Floor, Rameshwaran Complex, Bhuthnath Road, P.O.- Bahadurpur Housing Colony, P.S.- Agamkuan, Patna.

... .. Petitioner/s

Versus

1. The Authorized Officer Bank of Baroda, Regional Office, Anand Vihar Building, West Boring Canal Road, P.S.
2. The Bank of Baroda, through its Chairman-cum- Managing Director Baroda House, Mandvi, Baroda, Gujarat.
3. The Branch Manager Bank of Baroda, Kadamkuan Branch, Geetha Bhavan, Rajendra Path, P.O. and P.S.- Kadamkuan, Patna- 800003.

... .. Respondent/s

Appearance :

For the Petitioner/s : M/s Amaresh Kr Sinha, Satish Nr Sinha, Advocates
For the Respondent/s : Mr Vivek Prasad, Advocate

CORAM: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH
and
HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH)

2 08-12-2021 Heard learned counsel for the parties.

Mr Sanjeev Menon, the General Manager, Bank of Baroda (for brevity, *the Bank*), Regional Office, Patna is present.

This matter has been taken up out of turn considering the urgency of the matter as the petitioners' house was put on auction sale by virtue of Sale Notice (s) dated 12.10.2021 under the provisions of Securitization and Reconstruction of Financial



Assets and Enforcement of Security Interest (for brevity, *SARFAESI*) Act, 2002. The petitioner is, admittedly, remediless as the Debts Recovery Tribunal (for brevity, *the Tribunal*) is not functional since the post of Presiding Officer of the Tribunal is vacant. The petitioner has preferred SARFAESI Appeal No 231 of 2021 before the Tribunal, which is pending.

Mr Menon has informed this Court that the said auction sale notice has been put on hold and it has also been decided to proceed further, at least, until two weeks after constitution of the Tribunal.

It is noteworthy at this juncture that the petitioner has sought for the following main relief in the present writ application:

“i) For the issuance of a writ in the nature of writ of certiorari or any other appropriate writ or order or direction, quashing the Sale Notice dated 12.10.2021, served on the petitioners on 18.10.2021, whereby the date of e-auction has been fixed on 16.11.2021.”

Since the auction sale notice has been put on hold as informed by Mr Menon, keeping this matter will serve no purpose.

This application stands disposed of in view of the statement made by Mr Menon, the General Manager of the Bank.



We have not gone into the merits of the petitioners' contention regarding validity of auction taken by the Bank under the provisions of SARFAESI Act.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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