

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19680 of 2021

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Anil Kumar Singh son of Late Nand Kumar Singh resident of Village Susnar,
P.S. Aurangabad (Mufasil), District Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The Punjab National Bank through its Zonal Manager, Bihar and Jharkhand Zone, R Block, Patna.
2. The Zonal Manager, Bihar and Jharkhand Zone, Punjab National Bank, R Block, Patna.
3. The Circle SASTRA Head, Aurangabad Circle Office, Punjab National Bank, Aurangabad.
4. The Chief Manager cum Authorised Officer, Main Branch Aurangabad, Punjab National Bank, M.G. Road, Aurangabad, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh, Advocate
For the Respondent/s : Mr. Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-12-2021

Petitioner has prayed for the following relief(s):-

1. For issuance of a writ in nature of mandamus or any other appropriate writ commanding the Respondent concerned to produce the copy of result/award letter/ sale certificate/delivery of possession issued in favour successful bidder of scheduled E-auction held on 12.08.2021 before the Hon'ble Court, whereby residential dwelling house of the petitioner standing upon land having area 2.35.decimals situated at Plot No. 307, Khata No. 47 Thana No. 550, Sarvoday Nagar, Karma Road Aurangabad, P.S. & District Aurangabad has been disposed of through e-auction at very low price (1/3rd of current market price of the house) in utter violation of law laid down for this purpose particularly the principle of natural justice and further for issuance of writ in the nature of certiorari for quashing of all



- above mentioned order/documents issued in connection with the aforesaid E-auction.
- ii. For issuance of a writ in the nature of mandamus or any other appropriate writ commanding the Respondents concerned to produce the copy of tainted and unfair valuation report of properties on the basis of which auction value / reserved price / realisation value of the properties in question has been fixed by the Bank Authority(s) as Rs.21,95,900/- i.e. a very low price of properties even 1/3rd value of current market price of the same and further for issuance of writ in the nature of certiorari for quashing of the aforesaid valuation report.
 - iii. For issuance of a writ in the nature of mandamus or any other appropriate writ commanding the Respondent Bank to provide an opportunity to the petitioner to liquidate the outstanding amount of loan within reasonable period and/or alternatively to initiate a de novo process of public auction of aforesaid properties fixing realisation value/reserve price of the properties on the basis of current market price of the properties in question and following the due procedures under the law for the same.
 - iv. For staying the further process of e-auction dated 12.08.2021 as the D.R.T. Patna is currently not functional and allow the petitioner to avail the alternative remedy after staying the e-auction proceeding in respect of scheduled e-auction dated 12.08.2021 giving further direction to the
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Respondents for not to go for registering the properties in question in favour of successful bidder.
 - v. For holding that entire e-auction proceeding initiated by the Bank under S.A.R.F.A.E.S.I. Act is wholly illegal, unreasonable, invalid and contrary to provision under aforesaid Act as no e-auction notices as required under law was served upon the petitioner.
 - vi. For issuance of any other appropriate writ/orders/direction, which your Lordship may deem fit & proper in facts and circumstances of the case.

Learned counsel for the Bank states that the sale transaction with respect to the public auction stands concluded



with the registration of the Sale Deed. Also, the auction-purchaser has paid the entire auction amount.

In this view of the matter, learned counsel for the petitioner states that the petitioner be permitted to prefer an appeal before the Debt Recovery Tribunal constituted under the Recovery of Debts and Bankruptcy Act (RDB Act), 1993.

Permission granted.

Petitioner may pursue the matter before the appropriate forum, in accordance with law. Needless to add, all issues, including subject matter of the present petition, shall be allowed to be raised and decided by the said authority.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	24.12.2021
Transmission Date	

