

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20039 of 2021

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Vijay Kumar Pandey @ Bijay Yadav, S/o Late Brijnandan Prasad Shashtri,
Resident of Pyarelal Ka Bagh, P.S. - Alamganj, District - Patna.

... .. Petitioner/s

Versus

1. Union of India, through Principal Secretary, Ministry of Finance.
2. The Bank of Baroda, through its Chairman and Managing Director, At - Baroda Bhavan, R.C. Dutt Road, Alkapuri, Baroda-390007, Corporate Office at - Baroda Corporate Centre, Plot No. C-26, Block G, Bandra Kurla Complex, Bandra (East), Mumbai 400051.
3. The General Manager Cum Zonal Head of Bihar, Bank of Baroda, 5th Floor, Anand Vihar, West Boring Canal Road, Patna - 800001.
4. The Authorized Officer Cum Chief Manager, Bank of Baroda, Gayaghat Branch, Babua Ganj, Patna City.
5. The Senior Branch Manager, Bank of Baroda, Gayaghat Branch, Babua Ganj, Patna City.
6. The Branch Manager, Bank of Baroda, Gayaghat Branch, Babua Ganj, Patna City.
7. Tarkeshwar Nath, Son of Late Tilakdhari Prasad, Resident of Chaulital, P.S. - Alamganj, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Nishant Kumar, Advocate
For the Respondent/s	:	Mr.Dr. K. N. Singh (Asg)
		Mr. Vivek Prasad, Advocate

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

Date : 16-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“For issuance of a writ in the nature
of writ of certiorari, or any other appropriate writ,
order or directions for quashing the sale auction
Notice dated 18.11.2021 (received by the
petitioner on 22.11.2021), issued by the

respondent no.4, Authorized officer, Bank of Baroda, whereby and wherein the e-auction Notice for sale of property of the petitioner on 08.12.2021, has been issued on “as is where is”, “as is what is”, and “whatever there is” basis, in relation to the property being part and parcel of land and pucca constructed house thereupon, bearing khata number 725, plot number 1381, measuring area 4 kathha, holding number 228, circle number 71, ward number 18/24, Tauzi number 303, Thana number 11, situated at Mauza- Sandalpur, Mohalla- Pyarelal Ka bag, Police Station – Alamganj, District- Patna, and a pucca constructed dwelling house erected thereupon. (hereinafter may kindly be referred as Subject property). The petitioner further prays as a consequential relief, for quashing of entire SARFAESI proceedings as against the petitioner.

The petitioner further prays for issuance of a writ, order or direction, in the nature of writ of mandamus, commanding the respondents, specifically to the respondent no.2 to 6 to refrain from taking any adverse action under the notice dated 18.11.2021, and to maintain the status quo, as against the petitioner, till resumption of learned DRT, Patna and till final outcome of the SARFAESI Appeal No.67/2020, pending before the learned DRT, Patna, filed by the petitioner.

Dr. K. N. Singh, learned Additional Solicitor

General, invites our attention to the notification dated 13th of December, 2021, whereby Presiding Officer, Debt Recovery Tribunal, Ranchi has been given charge of Debt Recovery Tribunal, Patna and now the Tribunal is functional.

In this view of the matter, petitioner states that he shall immediately move an appropriate application before the Tribunal.

We direct status quo to be maintained for two weeks by the parties.

Thereafter, interim order shall stand automatically vacated.

With aforesaid observation, the writ petition stands disposed of.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.12.2021
Transmission Date	NA