

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7932 of 2021

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Brijesh Kumar Son of Late Awadhesh Kumar resident of 266/88 L.B.S. Path,
Police Cooperative Basti Office, Paharpur, Anishabad, P.s.- Phulwarisharif,
District- Patna

... .. Petitioner/s

Versus

1. Bank of Baroda through its Managers Director cum Chief Executive Officer,
Bank of Baroda, Vadodra, Gujrat-390006
2. Zonal Manager, Bank of Baroda, Bihar 4th Floor, Nawal Arcade, Boring
Road, Sir Krishnapuri, Patna-800001
3. The Chief Manager cum Authorized Officer, Regional Stress Assets
Recovery Branch, Bank of Baroda
4. The Manager Bank of Baroda Walmi Complex, Phulwarisharif, District-
Patna
5. Shashi Kumar Srivastava Son of Late Awadhesh Kumar resident of 266/88
L.B.S. Path, Police Cooperative Basti Office, Paharpur, Anishabad, P.s.-
Phulwarisharif, District- Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pratap Sharma, Advocate
For the Respondent/s	:	Mr. Vivek Prasad, Advocate
		Mr. Manish Kishore, Advocate
		Mr. Bal Bhushan Choudhary, Advocate

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH)**

3 07-02-2022 This application has been taken up for online hearing

through video conference because of COVID-19 pandemic

restrictions.

The petitioner is seeking following relief :-

*“That this writ petition is being
filed for issuance of an appropriate writ*



/ writs, order / orders, direction / directions for quashing the E-Auction sale notice dated 24.01.2020 whereby and whereunder E-Auction Sale Notice for sale of Immovable Assets under the Securitization and Reconstruction Financial Assets and Enforcement of Security Interest Act, 2002 has been issued without considering the aforesaid properties is mortgaged properties as well as without taking the non-encumbrance certificate against the aforesaid property the respondent granted the loan to private respondent on the aforesaid property and for other necessary relief/reliefs on the basis of facts and circumstances of the case.”

Learned counsel representing the Bank has informed this Court that the sale which had taken place on 24.01.2020, had been subsequently cancelled by the authorized officer by an order dated 06.02.2021, which decision has been communicated to the petitioner also.

It appears that this writ application was presented for filing on 07.02.2021, apparently ignorant of the decision of authorized officer dated 06.02.2021. The grievance of the petitioner, thus no more survives.



This application is accordingly disposed of with a liberty to the petitioner to seek remedy, if warranted, arising out of any subsequent action of the Bank in future.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

K.K.RAO/-

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