

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5192 of 2022

Ranvijay Singh, S/o Sri Dhananjay Singh, resident of Kailash Nagar, Ward no. - 34, Old GT Road, Sasaram, P.S. - Sasaram, District - Rohtas.

... .. Petitioner/s

Versus

1. The State Bank of India, SARB, Patna through its Authorised Officer, 2nd floor Patna Main Branch, Western Gandhi Maidan, Patna.
2. The Authorised Officer, The State Bank of India, SARB Patna, 2nd floor Patna Main Branch, Western Gandhi Maidan, Patna.
3. The Branch Manager, State Bank of India, Gaurakshini Branch, Sasaram (Rohtas).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh, Sr. Advocate Mr. Binod Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Sanjiv Kumar, Advocate Mr. Anant Kumar Sharan, Advocate Mr. Prabhat Kumar Sharan, Advocate Mr. Hemant Kumar Sharan, Advocate

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

Date : 27-04-2022

The petitioner has prayed for the following relief/s

:-

- i. For issuance of writ in the nature of certiorari for setting aside the E-Auction Notice dated 23.03.22 along with impugned possession Notice dated 10.09.2021 of the Immovable property of the petitioner taken by the Respondents on 10.09.2021 under section 13(4) of the SARFAESI Act, 2002 read with Rule 8 (1) of the Security Interest (Enforcement) Rules 2002.

Photocopy of E-Auction Notice
dated 23.03.22 along with



Possession Notice dt.10.09.21
is Annexure-1& Annexure-1/A.

- ii. For issuance of writ in the nature of mandamus directing upon the Respondents to settle the matter after adjusting the amount already paid after demand Notice dated 25.11.2020 as well as waiving off the component of interest unduly charged from the date of NPA 29.03.20 and after due consideration of the proposal dated 25.02.2022 submitted by the petitioner in compliance of order dated 20.12.21 passed in CWJC no, 20030/21 by this Hon'ble High Court.
- iii. For issuance of writ in the nature of mandamus directing upon the Respondents to recall the E-Auction Notice dated 23.03.22 and release the collateral security document deposited by the Petitioner and to handover the documents in original along with No Objection certificate to the petitioner.
- iv. For a direction to grant any other relief /reliefs as your lordship it may deem fit and proper in view of the facts and circumstances of the case.

We are informed that order dated 20.12.2021,
passed by this Court in **CWJC No. 20030 of 2021**, titled as



Ranvijay Singh Vs. the State of Bihar & Ors. (Annexure-5, page-47) stands complied with though belatedly.

We are further informed that at this point in time, the Debt Recovery Tribunal (hereinafter referred to as 'the Tribunal') is fully functional. We clarify that we had passed the earlier order, under the directions of Hon'ble the Apex Court, in view of the fact that at that point in time, the Tribunal was not functional.

We are informed that the e-auction is to take place on 28th of April, 2022. In view of the fact that the Tribunal is now fully functional, we are of the considered view that the petitioner must approach the Tribunal under the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

However, considering the fact that petitioner has complied with our order dated 20th of December, 2021 by depositing a sum of Rs.30,00,000/- (Rupees Thirty Lacs), learned counsel for the respondent Bank submits that should the petitioner approach the Tribunal within next one week, no further coercive action shall be taken against the petitioner.

At this stage, Shri Sanjay Singh, learned senior counsel for the petitioner states that a direction be issued to the



Tribunal to positively decide the petitioner's application for grant of interim relief which the petitioner shall be making.

Well, this Court can simply request the Tribunal to take up such application and decide the same expeditiously.

This Court believes, hopes and trusts that the needful shall be done.

The present application stands disposed of in the aforesaid terms.

Interlocutory application, if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	06.05.2022
Transmission Date	

