

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.20719 of 2021**

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Mansoorul Hasan Khan Son of Late Qamrul Hassan Khan Resident of  
Mohalla- White House Compound, Road No.3, P.S.- Rampur, District- Gaya.

... .. Petitioner/s

Versus

1. The Chief Manager cum Authorized Officer, Punjab National Bank, Gaya.
2. The Chief Manager, Punjab National Bank, Gaya.
3. The Regional Manager, Punjab National Bank, Gaya.
4. The Branch Manager, Punjab National Bank, Rai Kashi Nath More, Gaya.
5. The State of Bihar through District Magistrate, Gaya.
6. Sub-Divisional Officer, Sadar, Gaya.
7. Senior Superintendent of Police, Gaya.
8. Anchal Adhikari, Town Block, Gaya.
9. Officer-In-Charge, Rampur Police Station, Gaya.
10. Sajjad Hussain Son of Mubarak Hussain Resident of Mohalla- While House  
Compound Road No.4, P.S.- Rampur, District- Gaya.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|----------------------------------------|
| For the Petitioner/s | : | Mr.Nand Kishore Prasad Sinha, Advocate |
| For the Respondent/s | : | Mr.Anil Kumar Singh ( GP26 )           |
|                      |   | Mr. Kumar Priya Ranjan, Advocate       |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)**

2      10-02-2022      Petitioner has prayed for following relief(s) : -

“That this is an application for  
issuance of an appropriate writ, order/s or  
direction/s for quashing the auction      sale



notice dated 04-09-2021 issued under the signature of Authorized Officer, Punjab National Bank, Gaya as contained in annexure 6 whereby and where under the property containing residential house having three storied Building auction on 7-10-2021 to Respondent no.10 for recovery of loan of Rs.46,59,013/- on the reserved amount of Rs.81,00,000/- and earnest money deposit will be Rs.8,10,000/- of thee land having an area of 4.60 decimals bearing Khata No. 2199, Plot No. 1525 new 4820 situated in Mohalla white House compound ward No.32, Road No.3 in the town and District of Gaya by clubbing the land of the petitioner's brother Samsul Hassain Khan having an area of 707.38 Square feet for a meager amount of Rs.81,00,000/- where as the market value of the property is more than 2 crores when the Sarfaesi Appeal No. 126 of 2021 filed by the petitioner against the sale notice dt. 11-6-2021 is pending for final decision before the Debt Recovery Tribunal Patna as also for quashing the letter dated 10-10-2021 issued by the S.D.O. Sadar Gaya by by its memo No 403 dated 20-10-20211 as contained in annexure 7 by which the possession is sought to be taken over the properties in question of the petitioner on 27-10-2021 and direction was given to the local administration to take necessary action in this regard without giving any opportunity of being heard to the petitioner in violation of principles of natural justice and thus the action of the Respondent is highly illegal and not permissible in law and thus vitiated.”

Shri Kumar Priya Ranjan, learned counsel for the respondents, states that not only the mortgaged property stands auction-sold, but also sale certificate issued and possession thereof handed over to the successful bidder. This was done on 27.10.2021.



We notice that the present petition was filed only on 10<sup>th</sup> of December, 2021, i.e. much after the respondent/petitioner has exercised his right under the provisions of the SARFAESI Act.

In view of the same, let the petitioner pursue the remedy before the appropriate forum.

Petition is disposed of in the aforesaid terms.

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

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

K.C.Jha/chn

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