

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15763 of 2022

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Devendra Prasad Singh, son of Pro. Surendra Narayan Singh, Resident of
Hospital Road, Ward No. 21, P.S.-Madhubani, District-Madhubani.

... .. Petitioner/s

Versus

1. The Zonal Head, Andhra Bank, Now merged with Union Bank of India through its Regional Manager, Patna Region, Regional Office, Near Patna One Plaza, 1st Floor, Nasheman Bhawan, Mazrul Haq Path, Fraser Road, Patna.
2. The Authorised Officer-cum-Chief Manager, Andhra Bank now merged with Union Bank of India, Patliputra Branch, Ground Floor, Ramayan Plaza, Patliputra, Rajapur Pol, (Opposite 32 No. Gate), Digha Main Road, Patna.
3. M/s Rukmani Build Tech. Ltd., Head Office-Second Floor Kailash Bhawan, Near Dakbanglow Road, Patna, Registered Office-C-3.5, LGF South Extension, Part-II, New Delhi-110049, represented through the Authorised Director, Mr. Manab Kumar Singh, S/o Prabhash Chandra Singh, R/o Flat No. E709/10, Block-E, Chhatrapati Shivaji Greens, Near Sriram Girls School, Ektrapuram, Bhogipur, New Jaganpura, Patna, Bihar-800027.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Amalendu Shekhar Thakur, Advocate Mr. Ram Pravesh Kumar, Advocate
For the Respondent/s	:	Mr.Nishi Nath Ojha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(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.)

Date : 18-11-2022

Heard learned counsel for the parties.



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

“1. That the petitioner, by way of this writ application seek indulgence of this hon’ble court to issue a writ of certiorari or any other appropriate writ/writs, order or direction in the nature thereof calling for the records pertaining to the Order dated 30.05.2022 passed by DRT, Patna Bench in SA 67 of 2020 thereby without appreciating the facts and Hon’ble Apex Court ruling allowed the application of the Respondent No. 3 herein frustrating the motto of establishing the SARFAESI Act 2002 unilaterally and set aside the Auction sale dated 18.03.2021 as contained in Annexure- ‘1’ and all subsequent notices actions taken in pursuance of, then quash the same including the writ of mandamus for the following reliefs:-

(i) For Quashing the order dated 30.05.2022 passed by the DRT Patna Bench in S.A. No. 67 of 2020 thereby the Tribunal quashed the legally held auction under the SARFAESI Act 2002 on 18.03.2021 in which the Petitioner is auction purchaser, along with other subsequent order/letter/notices/actions issued in pursuance as contained in Annexure no. ‘1’.

(ii) For direction to the respondents to restrain from illegally and unauthorizedly putting on resale of the property already auctioned, arbitrarily without any reasons or fault of the petitioner.

(iii) For direction to the Respondents to stop misinterpreting the SARFAESI Act& Rule and the very purpose behind the Act in its true Letters and



Spirit as decided by Hon'ble Apex Court in S.Karthik v. N.Subhash Chand Jain as its is pro financial institution and not a tool to frustrate the process.

(v) For direction to the respondents to maintain status quo as of today till the final adjudication of the case.

(vi) For direction to the Respondents to stop harassing the petitioners by their arbitrary, illegal and prejudiced acts.

(vii) Pass any other order which this Hon'ble Court may deem fit and proper in the light of the facts mentioned hereinafter.”

We are of the considered view that Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the 'Act') provides a complete forum for adjudication of all disputes, including that of the auction purchaser whose auction stands set aside by the Debt Recovery Tribunal vide impugned order dated 30.05.2022 (Annexure-1, Page-13). The Statute provides for an appeal under Section 18 of the Act. All questions of law and moreso, that of facts are best left to be adjudicated by the fact finding authority.

As such, we dispose of the present petition reserving liberty to the petitioner to prefer an appeal before the appellate authority, in accordance with law.

Should the petitioner prefer an appeal within a



period of two weeks from today, the issue of limitation shall not be allowed to come in the way of the authority deciding the appeal.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	21.11.2022
Transmission Date	

