

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20225 of 2019

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Khadi and Village Industries Commission Bihar State Office, Sheikhpura,
P.O.- B.V. College, P.S.- Hawaii Adda, Patna, Pin Code- 800014 through its
State Director.

... .. Petitioner/s

Versus

1. Allahabad Bank (A Government of India Undertaking), Zonal Office, Bhagalpur, Devdoot Complex, First Floor, Radha Rani Sinha Road, Bhagalpur.
2. The Zonal Manager, Allahabad Bank, Zonal Office, Bhagalpur, Devdoot Complex, First Floor, Radha Rani Sinha Road, Bhagalpur.
3. The Authorized Officer, Allahabad Bank.
4. Allahabad Bank having its head office at 2, Netaji Subhas Road, Kolkata (West Bengal) Pin Code- 700001 through its Managing Director.
5. The Branch Manager, Allahabad Bank, Bhagalpur.
6. Bhagalpur Zila Khadi Gramodyog Sangh, Laxmi Narayan Bhawan, Naya Bazar, Bhagalpur, Pin Code- 812001 through its Secretary.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhanendra Chaubey, Advocate
For the Bank : 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)

Date : 13-12-2022

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

“That this is an application for issuance of an appropriate writ, order or directions to the Respondents-Allahabad Bank for setting aside the E-Auction Proceeding proceeded by the Respondent-Bank under SARFAESI Act with regard to the land bearing Khata No. 35/06 & 53/26, Kheshra No. 62/69 & 71/58 Area 86 Decimals of Village Mohota and Khata No.51, Kheshra No. 104 & 101 Area 10 Decimals of Village Tahbal Nagar in the Bhagalpur District which are mortgaged with the Petitioner and further to stay the E-Auction proceeding till disposal of the writ application and further to



pass any other relief(s) be granted for which the
Petitioner found entitled too.”

Learned counsel for the Bank states that the property
in question, already stands auction sold; sale certificate issued
and possession thereof handed over. As such, present petition
has become infructuous.

In any event, the remedy lies under the provisions of
the Securitisation and Reconstruction of Financial Assets and
Enforcement of Security Interest Act, 2002 and not under the
instant petition filed under Article 226 of the Constitution of
India.

As such, present petition stands disposed of in the
aforesaid terms.

Interlocutory Application(s), if any, shall stand
disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Prakash/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

