

21.03.2022
Court No.13
Item No.1
AP

WPA 29669 of 2013

Paresh Chandra Ghosh & Anr.
Vs.
United Bank of India & Ors.
(Through Video Conference)

Mr. Sekhar Barman

... For the Petitioners.

Ms. Mousumi Pal
Mr. Kaushik Modak

... For the respondent Bank.

Despite directions, the cause title has not been amended. This matter was initially listed as an 'Old Matter'.

Be that as it may, it is submitted that the writ petitioner challenges a sale procedure conducted by the former United Bank of India.

It is submitted that the secured asset is landlocked.

This Court is of the view that sale under Section 13 of the SARFAESI Act, 2002 is on an "as is, where is, whatever there is, basis". The petitioner should have been aware of the nature of the land before participating in the auction.

There are a large number of disputed questions of fact that cannot be adjudicated in a writ petition. The writ petitioner had an alternative remedy. The writ petition may have become infructuous by efflux of time.

In that view of the matter, this Court sees no merit in the writ petition. The writ petition is dismissed.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)