

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4326 of 2023

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1. Sunil Kumar S/o Late Ramlakhan Prasad resident of Shivpuri, Ramchndrapur, Biharsharif, District- Nalanda.
 2. Kiran Devi, wife of Sunil Kumar resident of Shivpuri, Ramchndrapur, Biharsharif, District- Nalanda.

... .. Petitioner/s

Versus

1. Punjab National Bank through its Managing Director and Chief Executive Officer, having its Corporate Office at Plot No 4, Sector-10, Dwarka New Delhi- 110075
2. The Managing Director and Chief Executive Officer, Punjab National Bank, Plot No 4, Sector- 10, Dwarka New Delhi- 110075
3. The Zonal manager, Punjab National Bank, Zonal Office, 2nd Floor, Chanakya Tower, R. Block, Patna- 800001
4. The Circle Head, Punjab National Bank, Circle Office, Machhali Market, Ramchandrapur, Biharsharif-803101
5. The Authorized Officer, Punjab National Bank, Secured Creditor, Circle SASTRA Biharsharif, Machhali Market, Ramchandrapur, Biharsharif-803101.
6. The Branch Manager, Punjab National Bank, Sohsarai Branch, Biharsharif, Nalanda.
7. M/s MSTC Limited, Auction Service Provider, through its Director, having its Registered Office at 225-C, A.J.C. Bose Road, Kolkata-700020

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sumit Kumar, Adv.
		Mr. Anil Kr. Singh, Adv.
For the P.N.B.	:	Mr. Mritunjay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 24-03-2023 Heard the parties.

1. The petitioner by way of this writ petition has
prayed as under:-

*“1. That the present writ application is being
filed on behalf of the above named petitioners before this
Hon’ble Court for issuance of writ of certiorari for
quashing/setting aside the statutory sale notice dated
09.02.2023 issued under Rule 8(6) of the Securitization and
Reconstruction of Financial Assets and Enforcement of*



Security Interest Act, 2002 (hereinafter referred to as "SARFAESI ACT") undersigned by Respondent No. 5, by which respondent bank has initiated the process for E-Auction of the secured property measuring area 2.5 decimal in the name of the Petitioner No. 1 will be auctioned on 24.03.2023 at 11:00 a.m. to 04:00 p.m."

2. The writ petition does not reflect as to what amount of loan was taken from the Bank, nor it gives any details about the notices issued by the Bank from time to time. The sale notice issued under **Rule 8(6)** of the **SARFAESI ACT, 2002** appears to be on the basis of non-payment of a loan amount taken by the petitioner.

3. While allowing the petitioner to avail of the remedies available under the SARFAESI ACT, this writ petition is found to be devoid of facts and also on jurisdiction not maintainable.

4. Accordingly, the writ petition is dismissed.

(Sanjeev Prakash Sharma, J)

Sachin/-
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