

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6170 of 2023

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Arun Mahato S/o Sri Dinesh Mahato Resident of Village- Mahua Singh Rai,
Kalighar Road, P.O. and P.S. Mahua, District- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Finance Department,
Government of Bihar, Patna,
2. The Indian Bank through the Branch Manager, Indian Bank, Mahua Singh
Rai Branch, P.O. and P.S.- Mahua, District- Vaishali,
3. The Indian Bank through the Zonal Manager, Zonal Office Patna, Budh
Marg, Patna- 800001.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Advocate
For the Respondent/s : Mr. Raghwendra Kumar (SC22)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, in the present case, is seeking setting aside
of the E-Auction sale notice dated 27.03.2023. It is submitted
that E-Auction is going to be held on 02.05.2023 with regard to
the mortgaged house and landed property. From the narration of
the facts stated in the writ application, it appears that the
petitioner had taken financial assistance from the India Bank,
Mahua Singh Rai Branch, P.S. - Mahua, District – Vaishali for
construction of a house but he admittedly failed to repay his
loan and his account became a Non-Performing Asset (in short
“NPA”).

The Bank has initiated action under Section 13(2) of



the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the “SARFAESI Act, 2002”). The writ application is silent about what happened to his reply to the notice under Section 13(2) and the other follow up action, however it appears that at this stage the Bank has proceeded with the E-Auction sale.

The petitioner has a statutory remedy against the sale notice before the Debts Recovery Tribunal. This Court would, therefore, not entertain this Writ Application. It is dismissed, accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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