

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21148 of 2019

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Kamlavati Kuwar alias Kamlavati Akshay Gupta Wife of Akshay Gupta,
Resident of Three Tara Bai Chawal, Vivekanand Nagar, Dhobi Ghat, Vokala
Bridge Santa Clause (East), S.O.- Santa Clause (East), Mumbai, Maharashtra,
Permenent resident of Village and P.O.- Lalalpur, P.S. Kudra, District-
Kaimur, Bhabhua, Pin- 821101

... .. Petitioner/s

Versus

1. The Punjab National Bank Kutumba through the General Manager, Ara Bhojpur, Ara.
2. The Chief Manager, Punjab National Bank, Akaurhi (Mohania), P.S. Mohania, District- Kaimur, Bhabhua.
3. The Branch Manager, Punjab National Bank, Akaurhi (Mohania), P.S. Mohania, District- Kaimur, Bhabhua.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	M/s Kumar Priya Ranjan Mrithunjay Kumar Shilpi Singh Ram Ganesh Vibhuti Kumar, Advocates

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 04-01-2023 Petitioner has prayed for the following relief(s):-

“I. That the present writ application is being filed in the nature of Certiorari for quashing the proclamation of sale notice dated 29.08.2019 by which the property mentioned in scheduled of Thana No. 657, village Jehanabad, P.O. Kudra, P.S. Kudra, District Kaimur, Khata No. 42, Plot No. 1328, total area 4 decimal has been put to e-auction by the bank authorities; on the ground that the



petitioner has never been noticed nor the SARFEASI Act or Rules has been followed in accordance with law;

II. That the present writ application is being filed in the nature of Mandamus for a direction to the respondent authorities especially the Chief Manager, Akauri and the Branch Manager, Akauri for re-valuing the entire property of the actual borrower and to proceed against his property and also to revalue of the property of the petitioner in accordance with SARFEASI Act or SARFEASI Rules, 2002 before proceeding under the Act.

III. For any other relief/Reliefs for which the petitioner is entitled for.”

On 02.01.2023, we had passed the following order :-

“Learned counsel for the respondents states that the property in question stands auction sold; Sale Certificate issued; and possession handed over to the third party. Also, petitioner has an equally alternative and efficacious remedy under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

Despite repeated calls, none has entered appearance on behalf of the petitioner.

However, in the interest of justice, matter is adjourned.

List this case on 4th of January, 2023, in the category of "Order Matters".



Even today, despite repeated calls, none has entered appearance on behalf of the petitioner. However, learned counsel for the respondents is present.

As such, the present petition stands dismissed for default.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Spd/-K.C.Jha

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