

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12375 of 2023

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Vidya Bhushan Prasad S/o Shyam Sundar Prasad, (Proprietor of M/s S.S. Agency) resident of Shahpur, near Durga Mandir, Danapur- cum-Khagaul, Daudpur, Patna, Danapur, Bihar-801502 ... Petitioner

Versus

1. The State of Bihar through its Chief Secretary
2. The District Magistrate, Patna.
3. Punjab National Bank, through its Managing Director and Chief- Executive Officer having its Head Office at 7 Bhikhaji Cama Place, New Delhi- 110167.
4. The Branch Manager, Punjab National Bank, Kankarbagh Branch, Patna.
5. The Recovery Officer II, Debts Recovery Tribunal, Karpuri Sadan, Ashiana Digha Road, Patna.
6. The SDO, Danapur, Danapur Cantonment, Danapur, Patna, Bihar- 801503.
7. The District Sub- Registrar, Danapur.
8. The Circle Officer, Danapur.
9. Mukesh Kumar, S/o Sri Rameshwar Prasad Gupta, Flat No. 03, Sushila Residency, West Lohanipur, Kadamkuan, Patna, Bihar- 800003.

... Respondents

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Appearance :

For the Petitioner : Mr.Prashant Bhushan, Adv.
For the Respondents : Smt. Anuradha Singh (Sc21)

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

6 10-12-2024 Heard the parties.

2. The present writ petition has been filed for the following relief(s) :

“(a) For issuance of an appropriate writ/writs or direction in the nature of writ/writs of certiorari for quashing the order dated 14/7/2023 passed by the Recovery Officer II, DRT Patna in R.P. Case No. 542/2017 whereby and where under the sale of immovable properties has been confirmed in favour of Sri Mukesh Kumar under in purported exercise of power conferred under Rule 63 (1) of ITCP Rules.



(b) For commanding the respondent bank to accept the entire auction price for which the properties of the borrower/petitioner was auction sold to private respondent/auction purchaser to whom the delivery of possession has not been handed over till date.

(c) For commanding upon the respondent no. 5 who is recovery officer to allow the petitioner to redeem the auction sold property as described in e-auction sale notice dated 18/4/2023 after extending the period of 30 days as keep view the special circumstances of the petitioner's accident case during the said period.

(d) For commanding upon the respondent to restore the property auction sold to the auction purchaser alle cancellation of the auction sale dated 08/6/2023 made is respect of the properties described in the e-auction notice of sale dated 18/4/2023 issued under the signature of Recovery Officer, DRT, Patna.

(e) For commanding the respondent nos. 5 & 6 to stay delivery of possession of the properties auction sold as per the notice of e-auction dated 18/4/2023 connected with R.C. Case No. 542/2017.

(f) For grant of any other relief or reliefs to which the petitioner is found entitled to in the facts & circumstances of the case.”

3. Having regard to the Judgment of Hon’ble Supreme Court as reported in **(2024) 2 SCC 1 (CELIRLLP V. BAFNA MOTORS (MUMBAI) PVT LTD & ORS)**, this Court is not inclined to entertain the present writ petition. The present CWJC is disposed of leaving it open to the petitioner to challenge the



sale notice or any other order, aggrieved before the appropriate forum as available under the SARFAESI Act or any other law.

4. With the above direction, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

Shamshad/-

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