

**CWP No.24041 of 2024**

1 Prayer in this writ petition is for setting aside Sale Notice dated 31.08.2024 issued under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the SARFAESI Act), by respondent-Bank.

2 It is submitted that petitioner is the owner of property in question. Reference is made to Sale Deed dated 20.10.2003. She had availed of loan facility thereon which was being discharged diligently. It is further submitted that respondent No.6 in an illegal and fraudulent manner manipulated Sale Deed dated 04.03.2010 in his favour in respect to said property. Financial facility was also availed of by respondent No.6 upon the property in question in regard to which the sale notice dated 31.08.2024 has been issued. It is submitted that petitioner had filed a civil suit in the year 2020 for setting aside sale deed dated 04.03.2010 in which interim order dated 24.01.2020 was passed and the matter is still pending adjudication. Criminal Complaint has also been filed by petitioner against respondent No.6.

3 Learned counsel for respondent-Bank at this stage, submits that apart from the fact that petitioner has efficacious alternate remedy for redressal of grievance, and the present writ petition is not entertainable, this writ petition is rendered infructuous in view of the fact that auction pursuant to Notice dated 31.08.2024 did not fructify on 20.09.2024.

4 We have heard learned counsel for the parties.

5 Keeping in view the facts and circumstances as above, it is apparent that present writ petition is indeed rendered infructuous. Moreover, the petitioner does have efficacious remedy(ies) provided under the SARFAESI Act itself for

