

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10894 of 2024

Ms Bk. Industries Ltd. having its registered Office at B-104 fourth floor, Priyadarshni apartment, Boring Road, Patna- 800001 through its director Mr. Binod Kumar Singh, Son of Mr. Ramashish Prasad Singh, a resident of fourth floor, Priyadarshni apartment, Boring road, Patna- 800001

... .. Petitioner/s

Versus

Indian Bank (Erstwhile Allahabad Bank) body corporate constituted under the banking companies (acquisition and transfer of undertaking) act, 1980 having its head office at Chennai, Earlier at 2 N.S. Road Kolkata- 700001 and now merged into Indian Bank Branch thereof Indian Bank SAMB Patna, Road Number -5, East Patel Nagar, Patna- 800023.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Archana Sinha @ Archana Shahi, Adv.

For the Respondent/s : Mr.Rajan Ghoshrahe, Adv. (For Indian Bank)

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

12 29-04-2025

Heard learned counsel for the parties.

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

“1) For quashing of auction notice dated 26. 06. 2024 by which the bank has published the notice of auction of part and parcel of the land and building of cold storage having khata number 129(old) 15(new) plot number 169(old) 210 and 212(new), Thana number 169 situated at Modula Ilmashnagar, Thana district- Samastipur, Bihar. kshanpur, sub registry- kishanpur.

(ii) For early disposal of the appeal filed by the petitioner before DRAT Allahabad wide Appeal Number 551/2022 which is still pending.



(iii) For violation of natural justice as the notice of auction was issued on 26. 06. 2024 and the date of auction fixed by the bank is 24. 07.2024 which is in violation of rule 8(6) OF Security Interest Enforcement Rule 2002.

(iv) For stay the auction which is going to be held on 24. 07. 2024 till the disposal of Appeal Number 551/2022 pending before DRAT. Allahabad.

(v) For that the respondent bank should be restrained from taking physical possession of the secured assets of the petitioner in the disposal of Appeal Number 551/2022 which is pending before DRAT, Allahabad.”

3. Learned counsel appearing on behalf of the Respondents-Bank has stated that though the auction notice dated 26.06.2024 was issued for holding the auction on 24.07.2024, the said prayer has become infructuous as no body has turned up on 24.07.2024 and the Bank is yet to issue any further notice for auctioning the subject property.

4. That in so far as prayer (ii) is concerned, learned counsel appearing on behalf of the respondents/Bank has stated that the appeal filed by the petitioner was dismissed as withdrawn.

5. That in so far as the prayer (v) is concerned, learned counsel has stated that the respondent/Bank has already



taken physical possession of the subject property, therefore, the said prayer has also become infructuous.

6. Having regard to the above mentioned facts and circumstances, the cause in the present writ petition does not survive and the present writ petition is dismissed as infructuous. In case the petitioner is so advised, he is free to approach the appropriate forum for any subsequent action that the Bank may take either for disposal of the subject property.

7. With the above directions, the present writ petition stands dismissed as infructuous.

(A. Abhishek Reddy , J)

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