

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17947 of 2024

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Salamat Ali, S/o Late Doman Mia, R/o Ward No- 11, NAC Road, Khagaria,
P.S.- Khagaria, District- Khagaria.

... .. Petitioner/s

Versus

1. Punjab National Bank through its Chief Manager-cum-Authorized Officer, Sastra Office, Bhagalpur, Bihar.
2. Chief Manager-cum-Authorized Officer, Sastra Office, Bhagalpur, Bihar.
3. Branch Manager, Punjab National Bank, Khagaria- Branch, District- Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shiv Pratap, Adv.
For the Respondent/s : Mr.Mritunjay Kumar, Adv.

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

7 25-03-2025 Learned counsel appearing on behalf of the petitioner has stated that the petitioner has deposited the entire loan amount on 29.11.2024. However the authorities in a post haste manner have issued the sale certificate in favour of the auction purchaser on 03.02.2025.

2. Learned counsel appearing on behalf of the respondents-Bank has stated that the auction was conducted on 13.11.2024 and the auction purchaser has deposited the amount on 19.11.2024, therefore, the authorities had issued the sale certificate.

3. Having regard to the above mentioned fact that the respondents-Bank has already issued the sale certificate in



favour of the auction purchaser. The present writ petition is disposed of in view of the Judgment of the Hon'ble Supreme Court passed in ***Celir LLP v. Bafna Motors(Mumbai) (P) Ltd. (2024) 2 SCC 1*** granting liberty to the petitioner to approach the Debt Recovery Tribunal, Patna, challenging the auction sale and consequential sale certificate.

4. Learned counsel appearing on behalf of the petitioner has stated that the physical possession of the subject property is still with the petitioner and not yet handed over to the auction purchaser.

5. The present writ petition is disposed of granting liberty to the petitioner to approach the Debt Recovery Tribunal, Patna challenging the sale notice and the subsequent issuance of the sale certificate within a period of three weeks from today. On such O.A. being filed, the same shall be entertained by the Debt Recovery Tribunal, Patna, and necessary orders passed on merits. Till such time the petitioner approaches the Debt Recovery Tribunal, Patna, the possession of the petitioner shall not be disturbed. In case the petitioner does not approach the Debt Recovery Tribunal, Patna, within the time stipulated by this Court, the respondents-Bank is free to take necessary action for handing over the possession to the auction purchaser.



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

(A. Abhishek Reddy , J)

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