



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPMS/605/2015</u> Manoj Kumar Morya --Petitioner Versus The State Bank Of India Through Its Branch Manger --Respondent <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. Rajat Pande, Advocate holding brief of Mr. Ganesh Kandpal, Advocate for the petitioner. Mr. Dharmendra Barthwal, Advocate for the respondent. 2. Petitioner took a loan from State Bank of India, branch Lalkuan, Nainital. Since petitioner defaulted in repayment of the loan, therefore the Bank invoked its power under SERFAESI Act, 2002. Thus feeling aggrieved, petitioner has approached this Court in 2015, seeking following relief: “A writ, order or direction in the nature of certiorari to for call for the record of the case and quash the entire auction sale proceeding conducted by the State Bank of India Branch Lalkunwa District Nainital in respect of the secured asset Land and building Khasra no. 3 (part) 474.53 sq.m or 5106 Sq. Ft. Situated at village Gangapur Kabdal, Tahsil-Haldwani, District Nainital.” 3. Perusal of the record reveals that



		secured asset was sold in a public auction held on 17.01.2014. Mr. Dharmendra Barthwal, learned counsel appearing for the Bank submits that the secured asset was sold in favour of M/s Janhvi Natural Aqua and Beverages for a sum of Rs. 24,40,000/-, as he was the highest bidder in the public auction. 4. Mr. Barthwal further points out that the auction purchaser was given physical possession of the secured asset, soon after the public auction was held. He submits that petitioner has neither impleaded the auction purchaser nor sought quashing of the auction sale. 5. The relief as prayed by petitioner cannot be granted 12 years after the auction sale was concluded, especially when the auction purchaser is not before this Court. 6. The writ petition is, accordingly, dismissed. However, petitioner shall be at liberty to avail the remedy available before any appropriate forum. (Manoj Kumar Tiwari, J.) 22.09.2026 Mahinder
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