
(2025) 07 JH CK 1248

In the Jharkhand High Court

Case No : Writ Petition (C) No. 3507 Of 2025

M/s Sky Enterprizes, a Proprietorship Firm through its
Proprietor Mohammad Akhtar Khan

APPELLANT

Vs

Authorized Officer, Canara Bank, Regional Office

RESPONDENT

Date of Decision : 18-07-2025

Acts Referred:

Securitisation And Reconstruction Of Financial Assets And Enforcement Of Security
Interest Act, 2002 — Section 13(2), 13(4)

Citation : (2025) 07 JH CK 1248

Hon'ble Judges : Gautam Kumar Choudhary, J

Bench : Single Bench

**Advocate : Ashok Kumar Yadav, Anish Kumar Mishra, P.S.A.S. Pati, Akshay Kr, &
A. Kri,**

Final Decision : Disposed Of

Judgement

Gautam Kumar Choudhary, J

Heard, learned counsel for the parties.

1. The instant writ petition has been filed for quashing the possession notice dated 05.03.2025 issued by the respondent No.1-Bank under Section 13(4) of the SARFAESI Act of the property situated at Khata 30, Khewat No. 1, Touzi No. 28, Plot No. 64, Anchal Ramgarh measuring an area of 10 decimals.

2. It is submitted by learned counsel for the petitioners that earlier process for 'e-auction' was initiated by the Respondent(s)- Bank under Section 13(2) of the SARFAESI Act, 2002 and notice was issued.

3. The e-auction was held on 10.07.2025, but the said auction did not succeed. Therefore, petitioners are willing and ready to approach the Respondents –Bank to settle and repay the amount.

4. In view of the fact that the Debts Recovery Tribunal at Ranchi is not functional,

therefore, petitioners are constrained to move this Court under the Writ jurisdiction.

5. It is further submitted that the possession notice dated 05.03.2025 issued under Section 13(4) of the SARFAESI Act, 2002 is also under-challenge before this Hon'ble Court.

6. Learned counsel for the Respondents- Bank while opposing the prayer has submitted that the petitioners are at liberty to approach the Respondents- Bank for settlement of the outstanding amount.

7. So far, the prayer for cancellation of possession notice is concerned, Petitioner is at liberty to press his appeal before the DRT. Accordingly, the instant Writ Petition stands disposed of with liberty to the petitioners to raise all the issues before the DRT. Pending I.A, if any, also stands disposed of.

8. Further, petitioners will be at liberty to approach the Respondents-Bank for settlement process. If the petitioners approach the Respondents- Bank for settlement, the appropriate decision will be taken within eight weeks.