

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) (Filing) No.355 of 2026

M/s Popular Tyre through its Proprietor Bhavneet Singh
@ Bhavneet Singh Bindra **Petitioner**

Versus

Punjab And Sind Bank through the Authorized Officer,
Bank More Branch, Dhanbad. **Respondent**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Petitioner(s) : Dr. Vandana Singh, Advocate
For the Resp.-Bank :

02/Dated: 16th January, 2026

1. The present writ petition has been filed for the following reliefs :-

“(i) for quashing the notice dated 06.05.2023 (Annexure - 1 Series) under section 13(2) of the SARFAESI Act, 2002 issued by the Authorized Officer of the Respondent Bank, as also all other notices if any issued under section 13(2) of the SARFAESI Act, 2002.

“(ii) for setting aside the possession notice (Annexure-3) issued under Rule 8(6) of the Security Interest (Enforcement) Rules 2002 inasmuch as the said possession notice issued without complying with the mandatory provisions of Section 13(3-A) read with Rule 3-A of Security Interest (Enforcement) Rules 2002 and also on account of the fact that the mandatory provision of Rule 8(2) of the Security Interest (Enforcement) Rules 2002 has not been complied with by the respondent bank;

“(iii) for issuance of an appropriate order for setting aside the e-auction sale notice dated 19.12.2025 (Annexure-4) published in daily newspaper whereby and whereunder, the immovable property standing the name of petitioner and the

Borrowers cum Guarantors namely Santosh Kaur (Mother of the Petitioner) and Mrs. Jaspreet Kaur Bindra (Wife of the Petitioner) has been sought sold/auctioned without any authority of law by violating the various provisions of Rule 8 and 9 of the Security Interest (Enforcement) Rules, 2002;

(iv) for issuance of an appropriate order for fresh valuation of the scheduled properties.

(v) for a further direction upon the Bank to grant permission to the petitioner to sell 6,000 square feet on the Second floor of DS Plaza to repay the entire Book Debt raised by the Bank with Simple Interest.

(vi) during the pendency of the instant writ application the operation of the impugned e-auction notice dated 19.12.2025 published in a daily newspaper issued under Rule 8(6) of the Security Interest (Enforcement) Rules 2002 may be kept in abeyance and the auction dated 20.01.2026 may be stayed.”

2. Although the appropriate forum is the Debt Recovery Tribunal, but since it is not functional, the Writ Court has been approached.

3. It has been submitted by the learned counsel for the petitioner that there is no lawyer for the respondent- Punjab & Sind Bank and as such, copy of the writ petition could not be served upon the sole respondent. So far as the merit of the present case is concerned, it has been submitted that the petitioner accepts the liability and he is ready to pay the amount.

4. It has further been submitted that in the past also, permission has been given for sale of the mortgaged property and deposit the proceeds of the same towards the loan amount. At present also, similar permission has been sought for by the petitioner, but the same has not been given by the respondent-bank.

5. In view of above submission, issue notice upon the sole

respondent under speed post as well as under ordinary process for which requisites etc. must be filed by Monday i.e. 19.01.2026, failing which the writ petition shall stand dismissed without further reference to a Bench.

6. Till next date of hearing, there should be no sale in pursuance of e-auction notice dated 19.12.2025 (Annexure -4).

7. Since stay has already been granted, I.A. No.579 of 2026, filed for stay of the operation of the impugned e-auction notice dated 19.12.2025, stands disposed of.

8. List this case on 09.02.2026.

(Rajesh Kumar, J.)

16th January, 2026
Ravi-Chandan/-