

Court No. - 3

Case :- WRIT - C No. - 37367 of 2023

Petitioner :- Om Prakash Joshi

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ashok Kumar Yadav

Counsel for Respondent :- CSC, Krishna Mohan Asthana

Hon'ble Siddhartha Varma, J.

Hon'ble Manoj Bajaj, J.

1. This writ petition has been filed for quashing the order dated 07.05.2022 by which an order has been passed that the possession of the petitioner's property be taken over. Learned counsel for the petitioner has assailed this order on the ground that the reply of the petitioner was not considered.

2. Sri K.M. Asthana, learned counsel for the Bank has, relying upon the decision passed by this Court in the case of **Shipra Hotels Limited and another vs. State of U.P. and others** reported in **2022 (12) ADJ 473 (DB)**, stated that the petitioner was not required to be heard.

3. Having heard the learned counsel for the parties, we are of the view that no interference is warranted. However, if the petitioner is aggrieved by the order impugned, he may approach the D.R.T. under Section 17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

4. With these observation, the writ petition stands **disposed of**.

Order Date :- 30.10.2023

M.S. Ansari

(Manoj Bajaj, J.)

(Siddhartha Varma, J.)