

GAHC010280442023



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/5820/2018**

ABU HASSAN TARIQUE AHMED  
S/O- MD. SOHRABUDDIN AHMED  
VILL- MADHUPUR SALMARI  
PO MADHUPUR  
NAGAON 782003  
DIST- NAGAON  
ASSAM

VERSUS

THE DEBTS RECOVERY TRIBUNAL AND 2 ORS.  
APSARA BUILDING  
1ST FLOOR  
B.BAROOAH ROAD  
ULUBARI  
GHY- 7  
DIST- KAMRUP (M)  
ASSAM

2:THE RECOVERY OFFICER  
DEBTS RECOVERY TRIBUNAL  
APSARA BUILDING  
1ST FLOOR  
B.BAROOAH ROAD  
ULUBARI  
GHY-7  
DIST- KAMRUP (M)  
ASSAM

3:STATE BANK OF INDIA  
NAGAON BAZAR BRANCH  
REP. BY ITS BRANCH MANAGER MOTIRAM BORA ROAD  
ELPHINSTONE CHARIALI  
NAGAON- 782001

DIST- NAGAON  
ASSAM

For the Petitioner(s) : Mr. M. Kataki, Advocate

For the Respondent(s) : Mr. S. Dutta, Standing Counsel

**BEFORE  
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

**ORDER**

**Date : 19.01.2024**

1. The instant writ petition has been filed by the Petitioner challenging the order dated 20.07.2018 passed by the Recovery Officer II, Debt Recovery Tribunal, Guwahati whereby the mortgaged properties which were described in the recovery certificate were attached.
2. This Court has also taken note of that an appeal also lies against the said order dated 20.07.2018 under Section 30 of the Recovery of Debts and Bankruptcy Act, 1993 as amended. Further to that, this Court does not find any jurisdictional error committed by the Recovery Officer, Debt Recovery Tribunal, Guwahati in passing the impugned order dated 20.07.2018. Consequently, the question of issuance of a writ in the nature of certiorari does not arise. Accordingly, this Court does not find any merit in the instant writ petition for which the instant writ petition stands dismissed.
3. The interim order so passed earlier stands vacated.

**JUDGE**

**Comparing Assistant**