

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No.427 of 2025 with
MC (WP(C)) No.415 of 2025

Smt Ahanthem Indira Devi ... Petitioner

-Versus-

State Bank of India & 6 Ors ... Respondents

BEFORE

HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA

23.5.2025

This matter is taken up on mention as supplementary item.

[2] Heard Mr.M.Gunedhor, learned counsel for the petitioner and Mr.S.Niranjan, learned Government Advocate for respondent Nos.4 and 5.

[3] By the present writ petition under Article 226 of the Constitution of India, the petitioner approached this Court for staying the Eviction Notice dated 09.05.2025 passed by the respondent No.1 through the Authorized Officer, State Bank of India and the order dated 28.04.2025 passed by the Deputy Commissioner, Imphal West and subsequent order dated 08.05.2025 passed by the SDO, Lamphel, for assistance in taking over physical possession of the secured assets of the petitioner.

[4] It is stated that the petitioner is one of the guarantors of M/s Women's Voluntary Organisation/ respondent No.6 herein to pay the loan amount in time and the State Bank of India issued Eviction Notice dated 9.5.2025 to the petitioner herein, who is the guarantor to vacate the petitioner from the property mentioned in the Notice.

[5] It is stated that Notice dated 9.5.2025 was served to the petitioner on 12.5.2025 and it took some time for the petitioner

to approach the Women's Voluntary Organisation, for whom she is the guarantor to be evicted by 26.5.2025.

It is stated that the Eviction Notice was issued to the Women's Voluntary Organisation and not to the petitioner, who is the guarantor.

[6] Mr.M.Gunedhor, learned counsel for the petitioner submits that as per Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, 45 (forty five) days' time is granted to any person aggrieved by a Notice under Section 13 (4) of the Act. However, in the present case, only 15 (fifteen) days' time is granted.

It is also stated that application have to be preferred before the Debt Recovery Tribunal, at Guwahati for the State of Manipur and it is not possible for the petitioner to approach the DRC, at Guwahati immediately and prays for ten days' time for approaching the appropriate forum as per the Act.

[7] Mr.S.Niranjan, learned Government Advocate submits that if the petitioner is aggrieved by the Notice issued by the SBI and SBI needs to be served through the Standing Counsel for the State Bank of India and also in terms of Section 17 of the SRFA & ESI Act, 2002 the present writ petition is not maintainable before this Court.

[8] Mr.M.Gunedhor, learned counsel for the petitioner submits that he is not able to find out any nominated counsel for the SBI and in the circumstance, prays for ten days' time for approaching the Debt Recovery Tribunal, at Guwahati and till then, petitioner may not be evicted from the properties mentioned in Sl.Nos.2 and 3 of the Notice.

[9] This court is conscious about the provisions of the Act and the difficulty of the petitioner and in the circumstance, petitioner is granted ten days' time to approach the Debt Recovery Tribunal, at Guwahati, having the competent jurisdiction for the relief as prayed for in the present writ petition.

Till 2.6.2025, status quo, as on date with respect to the properties mentioned at Sl.Nos.2 and 3 of the Notice dated 9.5.2025 be maintained so as to enable the petitioner to approach the DRT at Guwahati.

It is made clear that this court does not express any opinion on the merit of the case.

[10] With this observation, the writ petition and the misc appln are disposed of.

Furnish a copy of this order to learned counsel for the parties through WhatsApp.

JUDGE

Priyojit

RAJKUMAR
R PRIYOJIT
SINGH

Digitally signed
by RAJKUMAR
PRIYOJIT SINGH
Date: 2025.05.26
09:35:36 +05'30'