

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.571 of 2014

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Ibrar Alam S/O Late Ghulam Rasul R/O Moh- Sonar Toli, P.S. And P.O.-
Sasaram, District- Rohtas

.... Petitioner

Versus

1. The State Of Bihar Through District Magistrate, Sasaram
2. Punjab National Bank- Through Its Chairman-Cum-Managing Director
Head Office, 7 Bhikhaiji Cama Place, New Delhi
3. Zonal Manager, Punjab National Bank, Zonal Office, R-Block,
Chanakya Place, Patna
4. Branch Manager, Punjab National Bank, Karwandia(S) Branch, Sasaram
5. Authorized Officer, Punjab National Bank, Secured Creditor, Sasaram
6. The Sub-Divisional Magistrate, Sasaram
7. The Station House Officer, Town Police Station, Sasaram
8. Kausar Alam S/O Late Ghulam Rasul R/O Moh- Sonar Toli, P.S. And
P.O.- Sasaram, District- Rohtas

.... Respondents

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Appearance :

For the Petitioner : Mr. S.M. Shabbir Alam, Advocate
For the State : Mr. Apurva Kumar, AC to GA 11
For the Bank: Nr, Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 03-02-2015

2 03-02-2015 I have heard learned counsel for the petitioner, the State
and the Bank.

Learned counsel for the respondent-Bank submits that the
brother of the petitioner has already moved the Debt Recovery
Tribunal in S.A. No. 36 of 2012 in which some direction was
given to the borrower, whereas, the petitioner submits that he is
not the borrower rather his brother is the borrower, therefore, his
property should not be attached and auctioned. Learned counsel
for the respondent-Bank submits that the property has been

mortgaged to the Bank on the basis of which the concerned loan was granted. He further submits that any aggrieved person can move before the Debt Recovery Tribunal first as there is specific provision under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

On the aforesaid submission having been made, learned counsel for the petitioner seeks liberty to move before the appropriate forum available to him in law. Liberty is granted.

This writ application stands disposed of.

(Dr. Ravi Ranjan, J)

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