

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2521 of 2011

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Sunita Devi wife of Sri Vijay Sharma, R/O Village Mocharim Tola,
Chhotki Babhani, P.S. Bodh Gaya, District Gaya.

.... Petitioner/s

Versus

1. The State Bank of India through its authorised officer State Bank of India, Bodh Gaya, Gaya.
2. The Regional Manager, Regional Office, State Bank of India, A.P. Colony Gaya, District Gaya.
3. Umakant Tiwari, S/O not known Filed Officer, State Bank of India, Bodh Gaya Branch, P.S. Bodh Gaya, District- Gaya.
4. The Branch Manager, State Bank of India, Bodh Gaya, District Gaya.
5. Binod Das, son of late Ramchandra Das, R/O Village Bhojwar Bagaicha, Tika Bigha, P.S. Bodh Gaya, District- Gaya.
6. Ajay Lal, son of Late Kail Lal, R/O Village Tika Bigha, P.S. Bodh Gaya, District Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : None.

For the Respondent No.1 to 4 : Mr. Kaushlendra Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 15-05-2015 Despite repeated calls, none appears on behalf of the petitioner in support of the present writ petition.

However, learned counsel appearing on behalf of the respondent no. 1, 2 and 4, by referring to the averments made in the counter-affidavit filed on behalf of the respondent no.1 alone, submits that the matter at issue is the action taken by the respondent Bank under Section 13(4) of The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (In short “SARFAESI Act”). According to him, the petitioner has an alternative and efficacious statutory remedy under Section 17(1) of the SARFAESI Act. Therefore, he contends that the writ petition is liable to be dismissed on the ground of availability of alternative and efficacious statutory remedy.

In view of the laid down by the Hon’ble Apex Court in the case of **United Bank of India vs. Satyawati Tondan** [(2010) 8 SCC 110], particularly paragraph-42, 43, 44, 45 and 55, the submissions made by the learned counsel appearing on behalf of the respondent no.1,2 and 4 appears to be correct. The petitioner has got statutory efficacious and alternative remedy under section 17(1) of the SARFAESI Act.

In above view of the matter, the present writ petition is dismissed.

However, the petitioner shall be at liberty to approach the learned Debts Recovery Tribunal, Patna for grant of appropriate relief under section 17(1) of the SARFAESI Act.

(Birendra Prasad Verma, J)

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