

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9366 of 2010

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Amna Begum, W/O Wakil Ahmad, R/O Chhawani, P.O. & P.S. Bettiah,
District- West Champaran.

.... Petitioner/s

Versus

1. The Punjab National Bank through its Zonal Manager, Saraiyaganj, Muzaffarpur, Bihar.
2. The Circle Head, Punjab National Bank, Inspection & Audit Section, Circle Officer, Muzaffarpur.
3. The Authorized Officer, Circle Office, Punjab, Punjab National Bank, Saraiyaganj, Muzaffarpur, Bihar.
4. The Branch Manager, Punjab National Bank, Bettiah Branch, P.O. Bettiah, P.S. Bettiah, District-West Champaran.
5. Mr. Shaifi Ahmad, S/O Hatim Warmafi, R/O Hospital Road, P.O.+ P.S. Bettiah, District- West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P.K.Verma, Sr.Adv. Mr. Suman Kumar Jha
For the Respondent nos.1to4:	:	Mr. Mahesh Narayan Parbat, Sr.Adv. Mr. Ved Prakash Srivastava
For the Respondent no.5	:	Mr.Sanjeev Kumar Mr.Rajesh Ranjan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 23-03-2015 Heard the parties.

The matter at issue is the action taken by the respondent Punjab National Bank under Section 13 (4) of The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'SARFAESI' Act) with respect to secured assets of the petitioner.

The issues involved in the present writ petition as also in CWJC No.8069 of 2010 (Nizam Khan Vs. The Punjab National Bank & Ors.) are almost identical and similar. The aforesaid CWJC No.8069 of 2010 has been disposed of today itself with a direction to the writ petitioner of that case to approach the learned



Debts Recovery Tribunal, Patna under Section 17(1) of the SARFAESI Act with a liberty to raise all the pleas, which have been raised by him in that writ petition. For the reasons recorded and conclusion arrived in the judgment handed down today in aforesaid CWJC No.8069 of 2010, this Court is of the opinion that the petitioner should also approach the learned Debts Recovery Tribunal, Patna by filing a petition under Section 17(1) of the SARFAESI Act within a period of four weeks from today raising all the pleas, which have been raised in the present writ petition.

If such a petition is filed on behalf of the petitioner within the time prescribed above with a certified copy of the present order, then the learned Debts Recovery Tribunal, Patna shall consider and decide the matter on its own merits and shall not dismiss the same on the ground of limitation, as under a bonafide legal advise the present writ petition was filed on 27.05.2010 before this Court and that remained pending till date.

Since all the parties are represented in the present proceeding, therefore, in order to expedite the matter, they are directed to appear before the learned Presiding Officer, Debts Recovery Tribunal, Patna on 30th April, 2015. However, the petition must be filed on behalf of the petitioner within a period of four weeks from today, as directed above. On the appearance of the parties on 30th April, 2015, subject to convenience of the learned Presiding Officer of Debts Recovery Tribunal, Patna a firm date shall be fixed for taking up this matter on priority basis and all endeavours shall be made to conclude the same at an early date preferably within a period of two months from the first date fixed for hearing the matter by the learned Debts Recovery Tribunal, Patna.

It is clarified that the parties shall be at liberty to raise all the issues of facts and law, which are available to them. The petitioner shall be at liberty to make a prayer for interim relief. If such a prayer is made by the petitioner, then the same shall be decided in accordance with law.

The writ petition stands finally disposed of with the observations and directions made above. Interim order dated 22.06.2010 passed by a Bench of this Court stands merged with the present order. However, the parties are left to bear their own costs.

(Birendra Prasad Verma, J)

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