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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2272 of 2015

- Reeta Dutta W/o R.K. Datta, Aged About 42 Years R/o Staff Colony, Kondagaon, P.S. Kondagaon, Tah & Revenue District Kondagaon Chhattisgarh,

---- Petitioner

Versus

1. State Bank Of India Through Assistant Manager, S.A.R.B. First Floor Madan Complex, Rajiv Nagar, Raipur Chhattisgarh
2. State Bank Of India, Through Chief Manager, State Bank Of India, Fafadih Branch, Raipur Chhattisgarh
3. Agroha Greh Nirman Sahkari Samiti, Sidhharth Chowk, Tikrapara, Raipur Chhattisgarh
4. Chandela Housing Private Limited, 70, Anand Nagar, Raipur Chhattisgarh

---- Respondent

And

WPC No. 2275 Of 2015

- Tanuj Mahapatra S/o Gangadhar Mahapatra Aged About 36 Years R/o Deendayal Upadhyay Nagar, P. S. D. D. Nagar, Tah. & Revenue Distt. Raipur (Chhattisgarh)

---- Petitioner

Vs

1. State Bank Of India Through Assistant Manager, S A R B First Floor Madan Complex, Rajiv Nagar, Raipur (Chhattisgarh)
2. State Bank Of India, Through , Chief Manager, State Bank Of India, Fafadih Branch, Raipur (Chhattisgarh)
3. Agroha Greh Nirman Sahkari Samiti, Sidhharth Chowk, Tikrapara, Raipur (Chhattisgarh)

4. Chandela Housing Private Limited, 70, Anand Nagar Raipur (Chhattisgarh)

---- Respondent

And

WPC No. 2277 Of 2015

- Arun Kumar Sai S/o D. G. Sai Aged About 38 Years R/o Jalsinchan Colony, Kondagaon, P. S. Kondagaon, Tah. & Revenue Distt. Kondagaon (Chhattisgarh)

---- Petitioner

Vs

1. State Bank Of India Through Assistant Manager, S A R B First Floor Madan Complex, Rajiv Nagar, Raipur (Chhattisgarh)
2. State Bank Of India, Through , Chief Manager, State Bank Of India, Fafadih Branch, Raipur (Chhattisgarh)
3. Agroha Greh Nirman Sahkari Samiti, Sidhharth Chowk, Tikrapara, Raipur (Chhattisgarh)
4. Chandela Housing Private Limited, 70, Anand Nagar Raipur (Chhattisgarh)

---- Respondent

And

WPC No. 2276 Of 2015

- Gopal Das Majumdar S/o Shri Karuna Das Majumdar, Aged About 45 Years R/o Staff Colony, Pakhanjur, P. S. & Tah. Pakhanjur, Civil & Revenue Distt. North Bastar Kanker (Chhattisgarh)

---- Petitioner

Vs

1. State Bank Of India Through Assistant Manager, S A R B First Floor Madan Complex, Rajiv Nagar, Raipur (Chhattisgarh)
2. State Bank Of India, Through , Chief Manager, State Bank Of India, Fafadih Branch, Raipur (Chhattisgarh)

3. Agroha Greh Nirman Sahkari Samiti, Sidhharth Chowk, Tikrapara, Raipur (Chhattisgarh)
4. Chandela Housing Private Limited, 70, Anand Nagar Raipur (Chhattisgarh)

---- Respondent

And

WPC No. 2279 Of 2015

- Beena Rai W/o Vishwanath Rai Aged About 44 Years R/o Stop Colony Pakhanjur, P. S. Pakhanjur, Tah. & Revenue Distt. North Bastar (Chhattisgarh) Through : Power Attorney Holder Sandeep Chitriv, Aged About 33 Years, S/o Shri Ramesh Chitriv, R/o Block No. D- 1 A, Flat No. 306, Golden Tower, Amlidih, Raipur, Tah. & Revenue Distt. Raipur (Chhattisgarh)

---- Petitioner

Vs

1. State Bank Of India, Through Assistant Manager, S A R B First Floor Madan Complex, Rajiv Nagar, Raipur (Chhattisgarh)
2. State Bank Of India, Through , Chief Manager, State Bank Of India, Fafadih Branch, Raipur (Chhattisgarh)
3. Agroha Greh Nirman Sahkari Samiti, Sidhharth Chowk, Tikrapara, Raipur (Chhattisgarh)
4. Chandela Housing Private Limited, 70, Anand Nagar Raipur (Chhattisgarh)

---- Respondent

And

WPC No. 2278 Of 2015

- Kamlesh Mahaldar S/o Shri Ratan Mahaldar, Aged About 47 Years R/o Bande, P.S. Bande, Tah. Pakhanjur, Civil & Revenue District North Bastar, Kanker, Chhattisgarh, Through Shankar Khemani, (P.A. Holder) Aged About 35 Years, S/o Shri Dayaram Khemani, R/o Kavita Nagar, Civil & Revenue District Raipur Chhattisgarh

---- Petitioner

Vs

1. State Bank Of India, Through Assistant Manager, S.A.R.B. First Floor Madan Complex, Rajiv Nagar, Raipur Chhattisgarh
2. State Bank Of India, Through , Chief Manager, State Bank Of India, Fafadih Branch, Raipur (Chhattisgarh)
3. Agroha Greh Nirman Sahkari Samiti, Sidhharth Chowk, Tikrapara, Raipur (Chhattisgarh)
4. Chandela Housing Private Limited, 70, Anand Nagar Raipur (Chhattisgarh)

---- Respondent

And

WPC No. 2281 Of 2015

- Reva Chakrawarty W/o P. C. Chakrawarty Aged About 59 Years R/o Naya Bazar, Durga Mandap Para Pakhanjur, P. S. Pakhanjur, Tah. & Revenue Distt. North Bastar Kanker (Chhattisgarh) Through : Neetu Rai (P. A. Holder) Aged About 37 Years, W/o Shri Rakesh Rai, R/o Samta Colony, Civil & Revenue Distt. Raipur (Chhattisgarh)

---- Petitioner

Vs

1. State Bank Of India, Through Assistant Manager, S A R B First Floor Madan Complex, Rajiv Nagar, Raipur (Chhattisgarh)
2. State Bank Of India, Through , Chief Manager, State Bank Of India, Fafadih Branch, Raipur (Chhattisgarh)
3. Agroha Greh Nirman Sahkari Samiti, Sidhharth Chowk, Tikrapara, Raipur (Chhattisgarh)
4. Chandela Housing Private Limited, 70, Anand Nagar Raipur (Chhattisgarh)

---- Respondent

For Petitioners : Shri Mayank Chandrakar, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

17/12/2015

1. The petitioners have called in question the auction notice issued by the State Bank of India in exercise of powers contained in the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act, 2002').
2. Learned counsel for the petitioners would submit that the petitioners had taken loans from the respondent Bank and are ready and willing to pay the amount, however, the Bank is not providing complete statement of account so that actual sum outstanding against the petitioners is ascertained.
3. Perusal of the notice (Annexure-P/1) would indicate that the Bank has already obtained possession of the secured assets under Section 13 (4) of the Act, 2002 and thereafter auction notice has been issued. E-auction is scheduled to be held on 18.12.2015. It also records that newspaper publication in this regard is published in the Times of India on 11.11.2015 i.e. more than one month back. Instead of preferring an appeal before the jurisdictional DRT, the petitioners have preferred these writ petitions more than one month after issuance of advertisement for e-auction.
4. In (2010) 8 SCC 110 {**United Bank of India Vs. Satyawati Tondon**

and others} the Supreme Court has held that when statutory alternative remedy of preferring an appeal is available under the Act, 2002, the High Court should not entertain the writ petition under Article 226 of the Constitution of India. This legal position has been consistently followed by the Supreme Court in (2014) 5 SCC 762 {**Devi Ispat Limited and another Vs. State Bank of India and others**}.

5. For the foregoing, all the writ petitions are dismissed as not maintainable. However, the petitioners would be at liberty to prefer duly constituted appeal before the jurisdictional DRT.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve