

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2180 of 2016

=====

Devanand Poddar, Son of Late Janardan Lal Poddar, resident of Gandhi Nagar,
Colony No. 1, Durga Sthan, P.S.- Damkhora, District - Katihar

.... Petitioner

Versus

1. The Union of India through the Principal Secretary, Government of India,
New Delhi
2. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
3. The Chairman, Bank of Baroda, H.O. Suraj Plaza-1, Sayaj Ganj, Vadodra -
390020
4. The Zonal Manager, Bank of Baroda, Zonal Office, Patna.
5. The Chief Manager, Bank of Baroda, Bhagalpur
6. The Senior Manager, Bank of Baroda, Katihar
7. The Branch Manager, Bank of Baroda, Kuretha Branch, Village & P.O.-
Kuretha, District- Katihar
8. The Bank of Baroda, Kuretha Branch, Village & P.O. - Kuretha, District-
Katihar, represented through the Branch Manager

.... Respondents

=====

Appearance :

For the Petitioner : Dr. Kislay, Advocate
For the State : Mr. Y.P. SINHA- AAG15
For the Bank : Mr. Manish Kishore,
Mr. Bal Bhushan Chaudhary, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-08-2016

The present writ petition has been filed for quashing the demand notice dated 01.09.2015 (Annexure-2) issued under the provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, "SARFAESI Act").

2. I.A. No. 5884 of 2016 has been filed for adding a prayer in the relief portion of the writ petition for setting aside the possession notice dated 21.07.2016 issued by the respondent-Bank

subsequently.

3. Having regard to the nature of the prayer, the interlocutory application is allowed and the petitioner is permitted to make amendment in the writ petition in course of the day.

4. At the very outset, learned counsel for the respondent-Bank refers to paragraph 16 of the counter affidavit to submit that the impugned demand notice dated 01.09.2015 has been recalled/ withdrawn in terms of the Bank's letter dated 04.09.2015 which was duly communicated to the petitioner but this fact has been suppressed in the writ petition.

5. Having heard the parties as well as having regard to the fact that the petitioner has statutory remedy against the impugned possession notice dated 21.07.2016 issued by the Bank under section 13(4) of the SARFAESI Act, this Court is not inclined to interfere in the matter. The writ petition stands dismissed with liberty to the petitioner to approach the appropriate forum for redressal of his grievance in accordance with law.

B.T/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.08.2016
Transmission Date	N/A

(Vikash Jain, J)