

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5260 of 2016

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M/s Kamla Food Processing Industries through its Partner Samodanand Tiwari, S/o
Sri Sitanath Tiwari, Vill & P.O.- Bishambharchak, P.S.- Amarpur, District- Banka.

.... Petitioner

Versus

1. Authorized officer, Syndicate Bank, Bhagalpur Branch, Patal Babu Road, Bhagalpur.
2. The Dy. General Manager, Regional Office, Syndicate Bank, Maurya Towers, 2nd Floor, Mauryalok Complex, Patna- 800001.
3. Chief Manager, Syndicate Bank, Bhagalpur Branch, Bhagalpur.
4. Presiding Officer, Debts Recovery Tribunal, Wings A and B, 5th Floor, Karpuri Thakur Sadan, GPOA, Near Rajeev Nagar, P.S. Ashiana Digha Road, Patna- 800025.

.... Respondents

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Appearance :

For the Petitioner : Mr. Arbind Kumar Jha, Advocate

For the Respondents : Mr. Sanjiv Kumar. Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-06-2016

Heard learned counsel for the petitioner and learned
counsel for the respondent Bank.

2. The present writ petition has been filed with the
following prayers :

“(i) For quashing the order dated 03.12.2015 passed in SA 109 of 2015 by learned Presiding Officer, Debts Recovery Tribunal, Patna which was passed in violation of the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as ‘the SARFAESI Act, 2002’) and Security Interest (Enforcement) Rules, 2002 (hereinafter referred to as ‘the SARFAESI Rules 2002’) and the appeal was dismissed without assigning reasons though the issue were raised and form part of the pleadings.

(ii) For a direction to learned Tribunal to decide SA 109 of 2015 afresh recording reason in original order, as it cannot be compensated by the reason in appellate order.

(iii) For restraining the respondents concerned from proceeding further in OA 188 of 2013 and OA 189 of

2013 which cannot be adjudicated unless learned Tribunal gave its finding on compliance of Rule 4 and Rule 8 of SARFAESI Rules, 2002 read with Section 15 of the SARFAESI Act, 2002.
(iv) For issuance of any appropriate writ/writs, order/orders and/or direction/directions for which the petitioner may be found entitled.”

3. Learned counsel for the petitioner does not press the first prayer in view of the alternative remedy available to him against the impugned order passed in S. A. No. 109 of 2015. As regards the remaining prayers, the petitioner has adequate remedy by raising the issues before the appropriate forum as well rather than before this Court in its extraordinary writ jurisdiction.

4. In the above view of the matter, the writ petition stands disposed of with liberty to the petitioner to raise all relevant points before the appropriate forum in accordance with law.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	27.06.2016
Transmission Date	-