

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4255 of 2013

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Manoj Kumar son of Shri Ram Sahay Yadav, resident of Village - Sadipur, P.O. -
Sondhi, P.S. - Buniyadganj, Distt. - Gaya , Pin - 823003(Bihar)

.... Petitioner

Versus

1. The Debts Recovery Tribunal, Bihar, 34 Bank Road, Opposite New Police Line, Lodipur, Patna - 800001
2. The Canara Bank, Represented through its General Manager, Circle Office, 4th Floor, Luv-Kush Tower, Exhibition Road, Patna - 800001
3. The Authorised Officer, Canara Bank, Gaya Main Branch, Gaya
4. Ram Kumar Singh S/O Late Ramashish Singh R/O 87-B, Gango Bigha, Ashok Nagar, A.P. Colony, Gaya

.... Respondents

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Appearance :

- For the Petitioner : Dr. Binay Kumar Singh, Adv.
Mr. Amit Singh, Adv.
- For the Resp. nos. 2 & 3 : Mr. Raj Kishore Prasad Singh, Adv.
Mr. Manish Kishore, Adv.
- For the Resp. no. 4 : Mr. Kumar Uday Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-10-2016

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for quashing the
order dated 22.01.2013 passed by the respondent no. 1 in SARFAESI
Appeal No. 213 of 2012 preferred by the borrower (respondent no. 4).

3. Learned counsel for the petitioner submits that the
impugned order has been passed contrary to the provisions of the
Securitizations and Reconstruction of Financial Assets And
Enforcement of Security Interest Act, 2002(for short “the SARFAESI

Act”) and is not sustainable in law.

4. At the outset itself however this Court takes note that the impugned order dated 22.01.2013 passed in SARFAESI Appeal No. 213 of 2012 is amenable to statutory appeal and the petitioner has adequate remedy therein for redressal of his grievances.

5. In that view of the matter, this Court is not inclined to enter into the merits of the matter. The writ petition stands dismissed with liberty to the petitioner to take recourse to such statutory remedy as may be available to him, in accordance with law.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
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