

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17833 of 2016

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1. Pravin Kumar Singh son of Sri Ram Bharosa Singh, resident of Village-
Mosadpur Tiltrath, Begusarai, Police Station- Barauni, District- Begusarai.

.... Petitioner/s

Versus

1. The State Bank of India represented through Chief Manager, Stressed Assets Management Branch, State Bank of India, 5th Floor, Zonal Office Building, Judges Court Road, Anta Ghat, Patna-800001
2. The Branch Manager, SME Barauni Fertilizer Township (Code 02913) Urvaraknagar, Barauni, P.O. & P.S. Barauni, District Begusarai.
3. The Assistant General Manager, Stressed Assets Management Branch, State Bank of India, 5th Floor, Zonal Office Building, Judges Court Road, Anta Ghat, Patna-800001
4. The Axis Bank Limited represented through its Branch Head, Radha Krishna Market, Patel Chowk, Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate.

For the Respondent- Bank : Mr. Sanjesh Prasad, Advocate.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 15-11-2016 Heard Mr. Ajit Kumar for the petitioner and Mr. Sanjesh Prasad for the respondent- State Bank of India (for short 'the Bank').

The petitioner is the loanee of the respondent-Bank. His loan account was classified as Non Profitable Asset (for short ' NPA'). The Designated Officer, vide communication dated 16.09.2016, issued the possession notice and possession publication which is under challenge in this writ petition.

By filing I.A. No. 8815 of 2016, the petitioner has

sought amendment in the relief to challenge the E-Auction notice dated 06.11.2016 to the extent of the properties mortgaged by the petitioner with the respondent-Bank.

Indisputably, the petitioner has a statutory remedy of approaching the Debts Recovery Tribunal (for short 'the DRT') questioning the legality of the notice and the consequent relief. According to the petitioner, earlier also, such possession notice was issued by the respondent-Bank which was assailed before the DRT and an order was passed vide at Annexure-6.

After hearing both the sides, in my considered view, the petitioner should ventilate his grievance as raised herein before the DRT for consideration and adjudication in accordance with law. It will also be open to the petitioner to seek interim relief, if any, from the Court after filing of the appeal under the SARFAESI Act.

The writ application is disposed of.

(Kishore Kumar Mandal, J)

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