

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17748 of 2012

Singh Fuel Service Station, Konhwa More Gopalganj, Through Its Proprietor
Binod Kumar Singh Son of Shri Jay Nath Singh, resident of Village - Amtha.
Kham, P.O.- Line Bazar, P.S.- Uchaka Gaon, District- Gopalganj, At Present M/S
Singh Fuel Service Station, Konhwa More, N.H.28, Gopalganj

.... Petitioner

Versus

1. The Branch Manager, Canara Bank, Gopalganj
2. The Branch Manager, Canara Bank, Darbhanga

.... Respondents

Appearance :

For the Petitioner : None

For the Respondents : Mr. Rajan Ghoshrave, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 26-09-2016

The present writ petition has been filed for stay of the operation of the order issued under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, “the SARFAESI Act”); and for connected reliefs.

2. Despite repeated calls, no one appears on behalf of the petitioner.

3. At the very outset, this Court takes note that the petitioner has adequate remedy under Section 13(3-A) of the SARFAESI Act against the notice under Section 13(2) of the SARFAESI Act by filing its objection before the respondent Bank for appropriate relief. Moreover, the petitioner has not sought for quashing of the notice under Section 13(2) of the SARFAESI Act rather only for stay of

the same. A copy of the notice under Section 13(2) of the SARFAESI Act has not even been enclosed with the writ petition.

4. In the above view of the matter, this Court is not inclined to interfere in the matter. The writ petition stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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