IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8474 of 2016

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1. Hari Shankar Singh Son of Late Ram Subhag Singh
2. Smt. Rubby Singh W/O Shri Hari Shankar Singh Both Resident of Village and Post Mohammadpur, Police Station Garkha, District Saran.

.... Petitioners

Versus

1. Union Bank of India (A body Corporate Constitute Under Banking Companies, Acquisition and Transfer of Undertaking Act, 1970 having its Head Office at Union Bank Bhawan Opposite Vidhan Bhavan, 239, Viodhan Bhavan Marg, Nariman Point, Mumbai, India- 400021.
2. The Zonal Manager, Union Bank of India, 53 Abhay Bhavan, Frazer Road, Patna, Bihar, 800001.
3. The Regional Manager Regional Office Samastipur Panchawati Complex, Mohanpur Road, Samastipur, PIN- 848101.
4. The Authorised Officer, Regional Office, Samastipur, Panchawati Complex, Mohanpur, Road, Samastipur, PIN 848101.
5. The Branch Manager, Union Bank of India Chapra Branch, Srinandan Path, Salempur, Chapra (Saran).
6. The State of Bihar through the District Magistrate, Saran at Chapra.
7. Sub- Divisional Officer, Saran a Chapra.
8. Circle Officer, Garkha Saran at Chapra.
9. Presiding Officer, Debts Recovery, Tribunal, Patna.
10. Recovery Officer, Debts Recovery, Tribunal, Patna.

.... Respondents

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Appearance :
For the Petitioner/s : Mr. Pramod Ban Bihari Singh
For the Respondent/s : Mr. AAG2- D.K.SINHA

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date: 29-06-2016

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

2. The present writ petition has been filed for quashing the order dated 21.01.2016 as contained in Annexure-4 passed by the Respondent No. 9 in O.A. No. 58 of 2015 against the petitioners and for

a direction to the respondents to settle the loan amount.

3. Learned counsel for the petitioners makes a short submission to the effect that the District Magistrate, Saran at Chapra had already passed an order dated 06.10.2015 (Annexure-5) in the ongoing proceeding pending in Bank Loan Recovery Case No. 01/2014 and as such, the issuance of a recovery certificate by the Debts Recovery Tribunal, Patna in O.A. No. 58 of 2015 with respect to the very same loan is not sustainable in law.

4. A perusal of the proceedings before the District Magistrate, Saran at Chapra discloses that the same has been undertaken in terms of the provisions of the Securitization and Reconstruction of Financial Assets And Enforcement of Security Interest Act, 2002 (for short " the SARFAESI Act"), whereas the recovery certificate dated 21.01.2016 in O.A. No. 58 of 2015 has been issued under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (for short "the RDDBFI Act"). It is now well settled that proceedings under the two enactments referred to above are independent of each other and there is no bar against recourse to the RDDBFI Act for recovery of the loan amount even during the pendency of a proceeding under the SARFAESI Act. The issue is no longer *res integra* having been settled by a Division Bench of this Court in *The State Bank of India through the Deputy General Manager/Authorized Officer vs. M/s. Purnea Cold Storage and another [2013 (4) PLJR 753].*

6. In the above view of the matter, the writ petition is devoid of merit and stands dismissed as such.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	11.07.2016
Transmission Date	-