

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9136 of 2016

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1. M/s A. B. Automotives Private Limited, an incorporated company having its registered office situated at Singhaul, NH 31, Begusarai through one of its Director namely Balram Kumar Choudhary, S/o Sri Yadunandan Choudhary.
 2. Balram Kumar Choudhary, S/o Sri Yadunandan Choudhary, Resident of Village + P.O.- Rani, P.S.- Bachwara, District- Begusarai.
 3. Nitu Choudhary, W/o Balram Kumar Choudhary, Resident of Village + P.O.- Rani, P.S.- Bachwara, District- Begusarai.
 4. Ajit Kumar Choudhary, Son of Vijay Kumar Choudhary, Resident of Village- Chakdaulat, P.S.- Ujiyarpur, District- Samastipur.
 5. Vijay Kumar Choudhary, Son of Late Tarakant Choudhary, Resident of Village- Chakdaulat, P.S.- Ujiyarpur, District- Samastipur.

.... Petitioners

Versus

1. The Debt Recovery Tribunal, A & B Wing, 5th Floor, Karpuri Thakur Sadan, Kendriya Karyalay Parisar, Near Rajeev Nagar Police Thana, Ashiana Digha Road at Patna-800024 through its Presiding Officer.
2. The Recovery Officer, Debt Recovery Tribunal, A & B wing, 5th Floor, Karpuri Thakur Sadan, Kendriya Karyalay Parisar, Near Rajeev Nagar Police Thana, Ashiana Digha Road at Patna- 800024
3. The Chief Manager-cum-Authorized Officer, State Bank of India, Barauni Refinery, Township Branch, Begusarai.
4. The Chief Manager (Rural) State Bank of India, Regional Branch Office (R.B.O.), Begusarai, Above G.S. Motors, N.H.31, harhar mahadev Chowk, Begusarai.
5. The Regional Manager, Regional Branch Office (R.B.O.), State Bank of India, Begusarai, Above G.S. Motors, N.H.31, Harhar Mahadev Chowk, Begusarai.

.... Respondents

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Appearance:

For the Petitioners : Mr. Arun Kumar, Advocate

For the Respondent-State Bank of India : Mr. Sanjiv Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21-07-2016

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

2. The present writ petition has been filed for quashing the order dated 08.03.2016 passed in S.A. No.183 of 2015 by the Presiding Officer of the Debt Recovery Tribunal, Patna by which the SARFAESI application filed by the petitioners challenging the

possession notice dated 05.11.2015 has been dismissed; and for connected reliefs.

3. At the very outset, learned counsel for the respondents submits that the petitioner has adequate statutory remedy under the provisions of the SARFAESI Act against the order impugned herein as well as the other reliefs prayed for. This aspect of the matter has not been disputed on behalf of the petitioner.

4. In the above circumstances, this Court is not inclined to enter upon the merits of the matter. The writ petition accordingly stands dismissed, with liberty granted to the petitioner to approach the appropriate forum available to it in accordance with law for redressal of its grievances.

5. In the interest of justice, the interim order of this Court passed on 25.05.2016 by which the impugned order dated 08.03.2016 to the extent of taking possession or any steps for auction of the property so taken over had been directed to remain in abeyance, shall continue to operate for a further period of six weeks from today.

N.H./-

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.07.2016
Transmission Date	N/A