

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15712 of 2015

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Deepak Kumar Singh @ Deepak Kumar, Son of Sri Vishram Singh, resident of Chechar, P.S. - Biddupur, P.O. - Chechar, District - Vaishali (Bihar) and proprietor of Harsh Agro Industries.

.... Petitioner

Versus

1. The State of Bihar through Secretary Animal Husbandry, Govt. of Bihar, Patna.
2. The Chief Manager (Credit), Bank of India, Zonal Office, Previously R-Block Patna now Shifted to Talaiganj, Muzaffarpur (Bihar).
3. The Senior Manager, Bank of India Branch Shahdullapur, Jadua Mahnar Road - Vaishali (Bihar)

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Hira Prasad Pandey, Advocate
For the State : Mr. Ajay Kumar Rastogi, AAG-10 with
Mr. Naman Nayak, AC to AAG-10
For the Bank : Mr. Ajay Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

3 12-08-2016 It is pointed out by learned counsels for the respondents that the writ application itself is not maintainable as the petitioner has statutory remedy before the D.R.T. under Section 17 of the SARFAESI Act. It is also pointed out that 11 months have passed from the filing of the writ application but admittedly not a single penny has been deposited by the petitioner.

On being asked whether the petitioner is willing to liquidate the amount in reasonable instalments with an upfront payment to show his bona fide, learned counsel for the petitioner submits that the petitioner is not in a position to deposit anything in a short time.

In the above circumstances, the writ application is dismissed on the ground of availability of alternative statutory remedy to the petitioner.

It is made clear that this Court has not considered the merits of the matter and in case the petitioner approaches the D.R.T. in the matter along with an application for interim relief then the D.R.T. shall consider the interim relief matter on an urgent basis prior to the date of auction fixed on 22.8.2016.

(Ramesh Kumar Datta, J)

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