

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 227 of 2016

- Smt. Kuppu Swami Lakshmi W/o Late K. Tangraj, Aged About 45 Years
- K. Vinod, S/o Late K. Tangraj, Aged About 29 Years

Both R/o Nakapara, Tehsil Gidam, District Dantewada (Chhattisgarh).

---- Petitioner

Versus

1. State Bank Of India Through Authorized Officer, Dantewada Branch, District Dantewada (Chhattisgarh)
2. C.G. Housing Board, Through Its Commissioner, Shanker Nagar, Sector-1, Raipur (Chhattisgarh)
3. Chief Executive Engineer, C.G. Housing Board, Jagdalpur Division, Jagdalpur (Chhattisgarh)

---- Respondent

For Petitioners	Shri Vivek Chopda, Advocate
For Respondent No.1	Shri P. R. Patankar, Advocate
For Respondent Nos.2 & 3	Shri Sanjay Patel, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

28/01/2016

1. The petitioners would assail the possession notice issued by the State Bank of India, Dantewada Branch in exercise of power under Section 13 (4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act, 2002') read with Rule 8 of the Security Interest (Enforcement) Rules, 2002.

2. Indisputably, such an order/notice is appealable before the Jurisdictional Debt Recovery Tribunal under Section 17 of the Act, 2002. The Supreme Court in the matter of **United Bank of India v. Satyawati Tondon and others**¹ and **Devi Ispat Limited and another v. State Bank of India and others**² has held that when statutory alternative remedy of preferring an appeal is available under the Act, 2002, the High Court should not entertain a writ petition under Article 226 of the Constitution of India. Following the above stated judgments, this Court has taken similar view in WPC No.2272/2015 (**Reeta Dutta v. State Bank of India and others**) and other connected matters, decided on 17.12.2015.
3. In view of the settled legal position, this writ petition is not maintainable. It is accordingly, dismissed, however, liberty is reserved in favour of the petitioner to prefer a duly constituted appeal before the Jurisdictional Debt Recovery Tribunal.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala

1 (2010) 8 SCC 110

2 (2014) 5 SCC 762