IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1497 of 2017

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Yadunandan Das Son of late Ramkishun Mochi R/o Mohalla- Sashtri Nagar, P.S. Nawada, District- Nawada.

.... Petitioner/s

Versus

1. Madhya Bihar Gramin Bank, its Head office Sri Vishnu Commercial Complex ASO Chak Chowk, New By-Pass NH-30 Patna-800016.
2. General Manager Madhya Bihar Gramin Bank Sri Vishnu Commercial Compex ASO Chak Chowk, New By-Pass Road NH-30, Patna-800016
3. Senior Manager, Madhya Bihar Gramin Bank Sri Vishnu Commercial Compex ASO Chak Chowk, New By-Pass Road NH-30, Patna-800016
4. Regional Officer, Madhya Bihar Gramin Bank Regional Office, Lal Complex Mangarbigha, Nawada.
5. Chief Manager, Madhya Bihar Gramin Bank, Branch office, Nawada, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. R.K. Sinha, Adv.
Mr. Satyendra Prasad, Adv.

For the Bank : Mr. Prasant Vedsen, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 27-02-2017

Heard learned counsel for the petitioner and counsel for the Bank.

In this case, the petitioner is challenging the notice dated 9.12.2016 issued under the signature of Chief Manager, Madhya Bihar Gramin Bank Branch Office, Nawada, whereby and whereunder, the possession notice regarding the land of the petitioner, which is secured asset for the loan amount which the petitioner has received, has been served.

The petitioner could not pay back the loan amount and the same has become today Rs.7,70,151.80/-, the notice under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and, thereafter, an action has been taken under Section 13(4) of the aforesaid Act. Learned counsel for the petitioner submits that he has also outstanding dues against the Bank and, for that, the Bank has not granted any interest, they have added the interest on the loan amount depriving the petitioner of the interest to which he is entitled.

The petitioner is given liberty to raise all the issues before the Debt Recovery Tribunal under Section 17 of the SARFAESI Act, if such an application is filed by the petitioner, the Tribunal will be obliged to take into consideration all the issues raised by the petitioner and will decide the matter in accordance with law.

The Bank will not dispossess the petitioner from the house, in question, up to three weeks from today and, if the petitioner would fail to get an interim order from the Tribunal, the Bank will be at liberty to take action in accordance with law.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.02.2017
Transmission Date	