IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7539 of 2017

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Ram Bilash Vishwakarma, son of Late Haribans Vishwakarma, resident of Mohalla- Hare Ram Mandir Road, Durgapur, P.O.- Durgapur, P.S. & District- Katihar.

.... Petitioner/s

Versus

1. The Zonal Manager, Central Bank of India, Zonal Office, Block-B, 2nd Floor, Mauryalok Complex, P.S.- Kotwali, P.O.- G.P.O., District- Patna.
2. The Regional Manager, Central Bank of India, Regional Office, Bhatta Bazar, District- Purnia.
3. The Chief Manager, Central Bank of India, Branch- Forsesganj, District- Araria.
4. The Authorised Officer, Central Bank of India, Narpatganj, Via- Forbasganj, District- Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Adv.
Mr. Om Prakash Singh, Adv.

For the Respondent/s : Mr. Ajay Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 30-08-2017

Heard learned counsel for the parties.

In the present case, the petitioner is challenging the demand notice dated 15.02.2017, whereby and whereunder, the notice has been to the petitioner under Section 13(2) of the SARFAESI Act, whereafter, the Bank has issued possession notice under Section 13(4) of the SARFAESI Act which has been brought by the petitioner through I.A. No. 6136 of 2017 which the petitioner has challenged.

The petitioner was an employee of the Bank, had taken loan during his service period but, his service was terminated on the charge of misconduct. From the contents of the writ application, it appears that whatever the outstanding dues of loan was there, that has been adjusted against the retrial benefit.

Learned counsel for the Bank has submitted that on dismissal of the petitioner, he will get only P.F. amount which meager in nature, cannot be sufficient to adjust the outstanding loan standing against him.

Learned counsel for the petitioner has submitted that the petitioner has approached to the Bank authorities but, they are not giving details of the outstanding dues.

As the notice under Section 13(4) has been issued against the petitioner and the house, in question, has been taken in symbolic possession, now the petitioner may move before the Debt Recovery Tribunal who is the competent authority to examine the case of the petitioner and pass orders in accordance with law.

If the petitioner files an application along with the stay petition before the aforesaid Tribunal within a period of three weeks from today, at least for three weeks, the petitioner's possession will not be disturbed and if he fails to file an application within the aforesaid period of three weeks, the Bank will be at liberty to take action in accordance with law.

With the aforementioned observation, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.09.2017
Transmission Date	NA