

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (C) No. 2784 of 2017**

1. Prakash Manhare, S/o Gangaram Manhare, aged about 40 years, R/o Village Raseda, Post Raseda, District Baloda Bazar – Bhatapara (C.G.)
2. Amrika Manhare, W/o Prakash Manhare, aged about 37 years, R/o Village Raseda, Post Raseda, District Baloda Bazar- Bhatapara (C.G.)

---- Petitioners**Versus**

Andhra Bank, through Assistant General Manager Authorized Officer, Raipur Branch.

---- Respondent

For Petitioner : Shri H.V. Sharma, , Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****13/10/2017**

- (1) Shri H.V. Sharma, learned counsel appearing for the petitioner submits that e-auction notice dated 14.09.2017 vide Annexure P-5 issued by the Andhra Bank is unsustainable and bad in law.
- (2) I have heard learned counsel appearing for the petitioner.
- (3) Since the respondent / Bank has already taken measures under Section 13(4) of the SARFASI Act, 2002 against the petitioner and the petitioner's remedy lies under Section 17(1) of the SARFASI Act, 2002 before the Debts Recovery Tribunal, therefore, the present writ petition is liable to be dismissed as not maintainable.

(4) Accordingly, the writ petition is dismissed as not maintainable. However, the petitioner is at liberty to file application under Section 17 (1) of the SARFASI Act, 2002 before the DRT in accordance with law.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

