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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.525 of 2016**

Raj Narayan Mishra LIG-636 CGHB Colony Tatibandh Raipur (Chhattisgarh)

---- **Petitioner****Versus**Dena Bank Through Authorized Officer/ Chief Manager/ Tatibandh Branch,
Raipur (Chhattisgarh)--- **Respondent**

Mr. Raj Narayan Mishra, petitioner in person.

Mr. Vinod Deshmukh, Advocate for respondent.

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board**04/12/2017**

(1) Mr. Raj Narayan Mishra, petitioner would submit that e-auction notice dated 19.01.2016 issued by the Dena Bank is unsustainable and bad in law.

(2) Shri Vinod Deshmukh, learned counsel appearing for respondent would submit that entire proceedings under Section 13 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (henceforth "SARFAESI Act, 2002") has been completed and even the measures under Section 13(4) of the SARFAESI Act, 2002 have already been taken against the petitioner. He would further submit that the remedy of the petitioner lies under Section 17(1) of the SARFAESI Act, 2002 before the Debts Recovery Tribunal (for short 'DRT').

(3) I have heard learned counsel appearing for the parties and considered their rival submissions made hereinabove, with utmost

circumspection.

(4) Since the respondent Bank has already taken measures under Section 13(4) of the SARFAESI Act, 2002 against the petitioner and the petitioner's remedy lies under Section 17(1) of the SARFAESI Act, 2002 before the DRT, therefore, the present writ is liable to be dismissed as not maintainable.

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

Sd/-

(Sanjay K. Agrawal)
Judge

L/-