

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 993 of 2017

- Shiv Koushal S/o Late Shri Parganiya, Aged About 41 Years, R/o. House No. 11/64, Shrinagar, Khamtarai, W. R. S. Colony, Raipur, Tahsil And District Raipur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : The Collector & District Magistrate, Raipur, District Raipur (Chhattisgarh)
2. State Bank Of India, Through : The Presiding Officer, R. A. C. P. C., Administrative Office, Bairan Bazar, Raipur, District Raipur (Chhattisgarh)
3. Smt. Anita Swami (Since Dead) (Original Owner),
4. Smt. Nimmi Pandey, W/o Shri Sameer Pandey, R/o. Behind Mahindra Show Room, Magarpara Road, Jarhabhatha, Bilaspur, District Bilaspur (Chhattisgarh).....(Auction Purchaser),

---- Respondents

For Petitioner	: Smt. Hamida Siddiqui, Advocate
For State	: Shri R.K. Gupta, Dy. AG
For Respondent No.2	: Shri Abhishek Sinha, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/05/2017

1. Heard.
2. Though the number of grounds for assailing the correctness of the order dated 03/05/2016 passed by the District Magistrate in exercise of power under Section 14 of The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Taking into consideration the Division Bench (Special) verdict in the case of ***M/s G. P. Ispat Private Limited and another vs. Authorized Officer and Chief Manager State***

Bank Of India and others¹ once the possession has been taken, the petitioner has an alternative remedy under Section 17 of the SARFAESI Act to raise dispute before the Debt Recovery Tribunal.

3. In view of the existence of alternative remedy, I am not inclined to entertain this petition. According, petition is dismissed with the aforesaid liberty.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Kamde

1 WP(C) No. 1801 of 2015, decided on 06/12/2016