IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11981 of 2017

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Sarita Devi, Wife of Raju Kumar Gour, R/o Mohalla-Dalelganj, P.O. +P.S.- Sasaram, District-Rohtas.

.... Petitioner

Versus

1. Bank of Baroda Sasaram Branch through its Branch Manager.
2. The Branch Manager, Bank of Baroda Sasaram Branch, Sasaram, Rohtas.

.... Respondents

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Appearance :
For the Petitioner : Mr. Rakesh Nr. Singh, Advocate.
For the Bank : Dr. Anshuman
Mr. Sanjay Kumar, Advocates.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-01-2018

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

2. The present writ petition has been filed for a direction to the respondents to re-calculate the loan amount after deducting the subsidy amount of Rs. 6 lacs from the loan amount, and thereafter fix the monthly instalment after adding simple interest, and be further pleased to direct the respondents not to dispossess the petitioner from her only house since the petitioner is a protected tenant in terms of Section 49 AA of the B.T. Act being member of Schedule Tribe Community, but the respondents have taken possession of house.

3. At the very outset, this Court takes note that against the action taken by the respondent-Bank under Section 13(2) and 13(4) of

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the SARFAESI Act, the petitioner approached the Debts Recovery Tribunal, Patna in S.A. No. 47 of 2017 which has been disposed of by judgment dated 12.06.2017 (Annexure-5). It appears that instead of availing the remedy of further appeal before the Debts Recovery Appellate Tribunal, Allahabad, the petitioner has instead chosen to approach this Court with the present writ petition. In view of the alternative remedy available to the petitioner which has not been availed of, this Court is not inclined to enter into the merits of the matter.

4. The writ petition accordingly stands dismissed.

5. Needless to say, the petitioner is always at liberty to avail of any statutory remedy as may be available to her in accordance with law.

(Vikash Jain, J)

Md. Ibrarul/Chandran

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CAV DATE	N.A.
Uploading Date	11.01.2018
Transmission Date	N.A.

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