

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15800 of 2018

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1. Md. Abu Zafar Son of late Sheikh Majid Ali Resident of Village- Hardiya, P.O. Chilbil, P.S. Mufassil, District- Begusarai.

.... Petitioner/s

Versus

1. The State Bank of India Through The General Manager, Head office, South Gandhi Maidan, Patna.
2. The General Manager, State Bank of India, Head Office, South Gandhi Maidan, Patna.
3. The General Manager, Main Branch, State Bank of India, Begusarai.
4. The Branch Manager, Main Branch, State Bank of India, Begusarai.
5. The Authorised Officer, State Bank of India, Regional Business Office, G.S. Motor Buliding, Harhar Mahadev Chowk, Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Mishra, Advocate Ms. Priya, Adv.
For the Respondent/s	:	Mr. Kaushlendra Kumar Sinha
For the Bank	:	Mr. K.K. Sinha, Adv, Mr. Sunil Kr. Singh, Adv

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date: 24-08-2018

Heard the learned counsel for the petitioner and learned counsel appearing on behalf of the respondent-State Bank of India.

The petitioner challenges the letter dated 30.06.2018 whereby in pursuance to the earlier order of this Court passed in C.W.J.C. No.2588 of 2018 disposed of on 09.03.2018, petitioner filed a fresh representation before the respondent-Branch Manager, Main Branch, Begusarai which was disposed of as indicated in the letter dated 30.06.2018 as contained in Annexure-10 whereby the amount offered for settlement of dues of the petitioner was not accepted and stated



that e-auction was held and the mortgaged property of the petitioner was auctioned on 5.6.2013. Petitioner also seeks for not giving effect to the auction notice dated 4.5.2013 as contained in Annexure-8 published in the local daily newspaper with regard to e-auction of the mortgaged property of the petitioner.

Learned counsel for the respondent is heard at length and submitted that this writ application is not maintainable as the petitioner has an alternate remedy as provided under the SARFAESI Act, 2002. This writ application is dismissed as not maintainable.

The petitioner is at liberty to move before the Debt Recovery Tribunal, Patna. If the petitioner files an application before the Tribunal within a fortnight from the date of receipt / production of a copy of this order, the Tribunal shall dispose of the same in accordance with law.

(Nilu Agrawal, J)

Sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28/08/2018
Transmission Date	NA

