

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11540 of 2013

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Shailendra Prasad son of Late Jageshwar Prasad, resident of Mohalla-
Bhusunda Vishnu Vihar, Police Station- Mufassil, District- Gaya

.... Petitioner

Versus

1. The Managing Director, United Bank of India, Main Branch, Abhay Bhawan,
2nd Floor, Frazer Road, Patna- 800001
2. The Regional Manager, United Bank of India, Main Branch, Abhay Bhawan,
2nd Floor, Frazer Road, Patna- 800001
3. Authorized Officer, United Bank of India, Main Branch, Abhay Bhawan, 2nd
Floor, Frazer Road, Patna- 800001
4. Branch Manager, United Bank of India, Branch Gaya

.... Respondents

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Appearance :

For the Petitioner : Mr. Avinash Chandra, Advocate.

For the Respondents : Dr. Binod bihari Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-08-2018

The present writ petition has been filed for quashing
the Possession Notice issued on 26.04.2013 by the Authorized Officer,
United Bank of India whereby and whereunder the property
mentioned in the possession notice has been seized and taken in
possession.

2. Learned counsel for the petitioner submits that
despite best efforts, the account of the Bank could not be settled and
because irregularity leading to the recovery proceedings, the same
were resorted to under the Securitisation and Reconstruction of
Financial Assets and Enforcement of Security Interest Act, 2002.

3. Learned counsel for the respondent-Bank appears



and has been heard.

4. Having regard to the nature of the grievance of the petitioner, this Court is not inclined to enter into the merits of the matter, considering that the petitioner had adequate statutory remedy against the impugned action of the Bank by approaching the Debts Recovery Tribunal. The petitioner has approached this Court without however exhausting such statutory remedy.

5. In the above circumstances, the writ petition stands disposed of with liberty to the petitioner to approach the Debts Recovery Tribunal against the impugned Possession Notice dated 26.04.2013 (Annexure-2).

6. It is made clear that in case such an appeal is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioner while considering any issue relating to condonation of delay, if applicable.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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