

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4653 of 2018

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Rajdeo Prasad, Son of Bikarama Prasad, Proprietor of M/s Laxmi Rice Mill,
Resident of Village- Katakala, P.O.- Katakala, P.S.- Mohaniya, District- Kaimur,
Bhabua.

.... Petitioner

Versus

1. The Punjab National Bank through Its Zonal Manager, Zonal Office at Patna (Bihar).
2. The Punjab National Bank having office at Branch Officer, Gorsara, District- Ramgarh (Kaimur).
3. The Chief Manager/Authorised Officer, the Punjab National Bank having office at Branch Officer- Gorsara, District- Ramgarh (Kaimur).
4. The Branch Manager, the Punjab National Bank having office at Branch Gorsara, District- Ramgarh (Kaimur).

.... Respondents

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Appearance :

For the Petitioner : Mr. Sumeet Kumar Singh, Advocate

For the Respondents : Mr. Kumar Priya Ranjan,
Mr. Niraj Kumar, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 27-03-2018

Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

2. The present writ petition has been filed for quashing the possession notice dated 08.12.2017 issued by the Authorised Officer, Punjab National Bank by which the petitioner has been asked to pay the amount of Rs. 78,34,664/- within 60 days on the ground that the objection filed by the petitioner as attached herein annexure-2 has been considered, not replied, and the petitioner has not been noticed before declaring the account as NPA.

3. This matter has been listed out of turn on the request of the petitioner on the ground that the rice mill of the petitioner has been put on auction which is to be held on 27.03.2018.

4. Admittedly, the auction has failed and the rice mill of



the petitioner could not be auctioned in absence of willing buyers, as such the matter does not involve urgency.

5. This Court also takes notice that the petitioner has statutory remedy available by way of appeal under Section 17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short “SARFAESI Act”) which has not been availed of.

6. In this view of the matter, this Court is not inclined to enter upon the merits of the matter.

7. The writ petition stands disposed of with liberty to the petitioner to approach the appellate forum for redressal of his grievances. In case any such appeal is filed within a period of 30 days from today the same shall be considered and disposed of on its own merits in accordance with law.

8. 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)

B.T/Chandran

AFR/NAFR	NAFR
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