

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13241 of 2018

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Salam Bibi, W/o Jauhim Miya, Resident of Village- Reotith, P.S.- Baikunthpur,
District- Gopalganj.

.... Petitioner/s

Versus

1. The Central Bank of India through its Regional Head, Regional Office, Bihar,
Patna.
2. The Authorized Officer, Central Bank of India, Gopalganj.
3. The Branch Manager, Central Bank of India Dighwa Dighuli Branch,
Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary
For the Respondent/s : Mr. Ajay Kumar Sinha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT
Date: 27-08-2018

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

Petitioner in the present writ application has challenged
the possession notice dated 20.06.2018 which has been pasted on the
property of the petitioner and the premises has been sealed by the
Bank Officials.

Learned counsel for the petitioner submits that loan was
taken from the respondent-Bank by one G. Sana Ayer and the
petitioner stood as a guarantor. The borrower defaulted to make



payment of loan whereafter the Bank initiated SARFAESI action against the borrower. He submits that notice under Section 13(2) of the SARFAESI Act has not been served on him and his property has been taken in possession by the Bank and sealed.

Learned counsel for the Bank submits that the writ is not maintainable as the petitioner has an alternative remedy even if he is guarantor to the said loan to approach the Debt Recovery Tribunal for redressal of her grievances.

This writ application is disposed off with the liberty to the petitioner to avail the alternative remedy as provided under the SARFAESI Act. If the petitioner prefers an application within the fortnight i.e. by 10th of September, 2018, the Presiding Officer, Debt Recovery Tribunal would condone the delay, if otherwise the application is in order.

This writ application is disposed off as above.

(Nilu Agrawal, J)

Devendra/Priyanka

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.08.2018
Transmission Date	NA

