

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17013 of 2017

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Vijay Kumar Singh Son of Late Narayan Singh Resident of Village - Shanti Nagar,
Rampur Sindai, P.S. - Barbigha, District - Sheikhpura.

.... Petitioner/s

Versus

1. Punjab National Bank, through its Chief Manager-cum-Authorised Officer, Circle Office Ramchandrapur, Biharsharif, P.S. - Biharsharif, District - Nalanda.
2. The Chief Manager-cum-Authorised Officer, Punjab National Bank, Circle Office Ramchandrapur, Biharsharif, P.S. - Biharsharif, District - Nalanda.
3. The Branch Manager, Punjab National Bank, Barbigha Branch, P.S. - Barbigha, District - Sheikhpura.
4. Alakhdeo Kumar Son of Vishnudeo Prasad Resident of Village - Rampurdih, P.O. - Bari Malawan, P.S. - Bind, District - Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Respondent/s : Mr. Kumar Priya Ranjan, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 30-05-2018

The petitioner is aggrieved by the possession notice dated 21.10.2017 issued under the signature of the Chief Manager-cum-Authorized Officer, Punjab National Bank, Circle Office, Biharsharif.

Mr. Kumar Priya Ranjan, learned counsel appearing for the Bank in reference to the provisions underlying Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interests Act, 2002 (hereinafter referred to as 'the SARFAESI Act') submits that the petitioner has statutory remedy under Section 17 of 'the SARFAESI Act' and



without exhausting the statutory remedy that the writ petition is filed.

Having heard learned counsel for the parties and considering the remedy so available to the petitioner, I deem it proper to dispose of the writ petition with a liberty to the petitioner to exhaust the same. Learned counsel for the petitioner informs that there is a limitation prescribed under the said Act.

In the circumstances, it is directed that should the petitioner file his appeal within a period of four weeks from today i.e. 27.06.2018, together with an application for condonation of delay, his appeal shall be heard and be disposed of on merits by the Tribunal in accordance with law bearing in mind the pendency of the matter in this Court.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/Ragini

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.06.2018
Transmission Date	NA

