

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4158 of 2018

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M/s Puja Rice Mill through its Proprietor Anita Kumari, Wife of Umesh Kumar, Resident of Village- Narsingh Ke Matihya, P.O. Haradiya, Police Station- Jagdishpur, District- Bhojpur.

.... Petitioner/s

Versus

1. The Oriental Bank of Commerce through its Regional Manager, Resolution, Recovery of Law Cluster Office, Patna.
2. The Branch Manager, Oriental Bank of Commerce, Arrah Branch, Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukul Prasad, Adv

For the Respondent/s : Mr. Nishi Nath Ojha, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 27-03-2018

Heard learned counsel for the petitioner and learned counsel for the respondent bank.

2. The present writ petition has been filed for setting aside the possession notice dated 16.02.2018 issued by the respondent no. 2 under Section 13(12) read with Rule 3 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the SARFAESI Act") for recovery of Rs. 37,81,915/- including interest and charges with effect from 31.03.2017 as contained in Annexure-1; and for connected reliefs.

3. The immediate concern of the petitioner is that the respondent-bank is going to take possession of the mortgaged immovable property of the petitioner in terms of bank's possession



notice dated 16.02.2018 (Annexure-1).

4. Learned counsel for the respondent-bank appears and has been heard.

5. Having regard to the stand of the respondent- Bank as well as the nature of the prayer in the writ petition, this Court is not inclined to interfere in the matter relating to recovery of dues of the bank by resort to proceeding under the SARFAESI Act, inasmuch as the petitioner has adequate statutory remedy for redressal of its grievances.

6. The writ petition stands disposed of with liberty to the petitioners to avail of such remedy as may be available to it in accordance with law for redressal of its grievances.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.03.2018
Transmission Date	NA

