

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6694 of 2018

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M/s Vidyawati Sales Corporation situated at D/71 P C Colony, Kankarbagh,
Patna through its Proprietor Manoj Kumar, Son of Laxman Rai, Resident of Lal
Sadan, Sahdeo Giri Road, Katira, District Bhojpur-802301

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Bhojpur, Ara,.
2. The District Magistrate, Bhojpur, Ara.
3. The Sub-Divisional Magistrate, Sadar , Ara.
4. Canara Bank through its Senior Manager, Circle Office, Fourth Floor, Luv
Kush Tower, Exhibition Road, Patna.
5. The Senior Manager, Circle Office, Fourth Floor, Luv Kush Tower, Exhibition
Road, Patna.
6. The Branch Manager, Canara Bank, Jail Road, Ara, Bihar.

.... Respondents

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Appearance :

For the Petitioner : Mr. Shri Krishna Sinha, Advocate

For the State : Mrs. Anuradha Singh-SC21

For Respondent-Bank: Mr. Sanjay Singh Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-04-2018

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

2. The present writ petition has been filed for quashing
of memo no. 510 dated 26.02.2018 issued under the signature of the
District Magistrate, Bhojpur, Ara whereby and whereunder the
direction has been given to the Sub-Divisional Officer, Sadar, Ara to
ensure appointment of the Executive Officer in order to aid and
support the officials of the Canara Bank in taking possession of the
property of the petitioner.

3. At the very outset, learned counsel for the petitioner



makes statement at the Bar that SARFAESI Appeal No. 58 of 2018 has been preferred before the Debts Recovery Tribunal, Patna against the possession notice under Section 13(4) of the Securitization and Reconstruction Assets and Enforcement of Security Interest Act, 2002 (for short, ‘SARFAESI Act’) which is pending.

4. In the above view of the matter, this Court is not inclined to interfere in the matter as the petitioner has adequate remedy before the Debts Recovery Tribunal in its pending SARFAESI appeal for redressal of its grievances.

5. The writ petition stands dismissed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	N.A.

