

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 144 of 2018**

Smt. Poonam Mishra W/o Shri Yogendra Mishra, Aged About 45 Years, R/o Village Dhourabhata, Village Panchayat Dhabadih, Tahsil Bhatapara, District Baloda Bazar Bhatapara (Chhattisgarh), District : Balodabazar-Bhatapara, Chhattisgarh

---- **Petitioner****Versus**

1. Regional Manager, State Bank Of India Region-I, Administrative Building, Byron Bazar, District Raipur (Chhattisgarh).
2. Zonal Manager, State Bank Of India, Shankar Nagar, District Raipur (Chhattisgarh).
3. Authorized Officer / Branch Manager State Bank Of India, A.D.B. Branch, Bhatapara, District Baloda Bazar Bhatapara (Chhattisgarh).
4. The Collector, Bhatapara, District Baloda Bazar Bhatapara (Chhattisgarh).

---- **Respondents**

For Petitioner	:	Mr. Prakash Tiwari, Advocate.
For Respondents/ State	:	Mr. Ashish Surana, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****19/01/18**

1. Learned counsel appearing for the petitioner would submit that the secured creditor / respondent Bank has not only taken symbolic decision but has also taken physical decision of the secured creditor without the aid and assistance of the District Magistrate under Section 14 of The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity 'SARFAESI Act, 2002') which is unsustainable and bad in law.

2. I have heard learned counsel for the petitioner.
3. The measures taken by the secured creditor / respondent Bank under Section 13(4) of the SARFAESI Act, 2002 without the assistance of the District Magistrate can be raised before the Debts Recovery Tribunal under Section 17(1) of the SARFAESI Act, 2002. Therefore, this Court is not inclined to entertain this writ petition. It is accordingly dismissed. However, the petitioner would be at liberty to file an application under Section 17(1) of the said Act before the Debts Recovery Tribunal in accordance with law.
4. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge