

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1820 of 2018

- Naushad Khan S/o Jamal Khan Aged About 45 Years R/o B-1, Housing, Board Colony, Balco Nagar, Police Station Balco Nagar, District- Korba, Chhattisgarh

---- Petitioner

Versus

1. UCO Bank, Korba, Branch (0174) Through Branch Manager, UCO Bank Korba, District- Korba, Chhattisgarh
2. Authorized Officer UCO Bank, Bilaspur, District- Bilaspur, Chhattisgarh
3. Smt. Nasreen W/o Nausad Khan Aged About 40 Years R/o Housing Board Colony, Balco Nagar, Police Station- Balco Nagar, District- Korba, Chhattisgarh
4. Vishal Naidu S/o E.L. Naidu Aged About 44 Years R/o MIG-82, R.P. Nagar, Phase-II, Niharika Korba, Disttrict- Korba, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Dharmesh Shrivastava, Advocate
For Respondents No.1 & 2:		Shri Ravindra Sharma, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

06/07/2018

1. Learned counsel for the petitioner submits that the notice issued under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the SARFAESI Act') is unsustainable and bad in law.
2. Shri Ravindra Sharma, learned counsel for respondents No.1 & 2 submits that the petitioner has remedy of filing application under Section 17(1) of the SARFAESI Act.
3. Be that as it may, the petitioner has an alternative remedy to approach the

Debts Recovery Tribunal under Section 17 (1) of the SARFAESI Act, I am not inclined to entertain this writ petition. Accordingly, the writ petition is disposed of with a liberty to the petitioner to approach the Debts Recovery Tribunal in view of the provisions of Section 17 (1) of the SARFAESI Act.

Sd/-

(Sanjay K. Agrawal)
Judge

Ashu