

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2611 of 2018

- Ahimat Bai Wd/o Late Girwar Singh, Aged About 50 Years R/o Village Rengni, Police Station and Tah Dondilohara, District Balod Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Collector, Balod District Balod Chhattisgarh
2. The Bank Manager, Chhattisgarh, Gramin Bank Branch Devri, District Durg Chhattisgarh
3. The Competent Authority Chhattisgarh Gramin Bank, Plot No.36, Street No.1, Pushpak Nagar, Durg, District Durg Chhattisgarh
4. Ishwar Lal Thakur, S/o Late Shri Ram Prasad Thakur, Presently Posted At Government Higher Secondary School, Bemetara, District Bemetara Chhattisgarh

---- Respondent

For Petitioner

Shri A. C. Sahu, Advocate

For Respondent-State

Shri Rajendra Tripathi, PL

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

25/09/2018

1. Petitioner would assail the possession notice issued by the respondent Chhattisgarh Rajya Gramin Bank, Durg under Rule 8 (1) of the Security Interest (Enforcement) Rules, 2002 framed under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short Act, 2002).

2. Petitioner has the remedy of preferring an appeal under Section 17 of the Act, 2002 before the jurisdictional Debt Recovery Tribunal. The writ petition is not maintainable in view of the law laid down by the Supreme Court in the matter of **United Bank of India vs Satyawati Tondon and others**, reported in (2010) 8 SCC 110.
3. Accordingly, the writ petition is dismissed with liberty to the petitioner to approach the DRT.

Sd/-
Prashant Kumar Mishra
Judge

Nirala