

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4949 of 2019

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Archana Kumari @ Kumari Archana W/o Sri Randhir Kumar Singh, Resident of Pratap Nagar, Ward No.-7, Nahar Chowk, P.O.- Rajopatti, Bazar, P.S.- Sitamarhi, District- Sitamarhi

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Govt. of Bihar, Patna
2. The District Magistrate, Sitamarhi
3. The Regional Manager, Syndicate Bank, Regional Office, Maurya Lok Complex, New Dak Bunglow Road, Fraser Road Area, Patna- 800001
4. The Zonal Manager, Syndicate Bank, Zonal Office, E.M. By Pass Road, Emami Building, 2nd Floor, Kolkata
5. Senior Branch-cum-Branch Manager, Syndicate Bank, Krishna Market Branch, Sitamarhi 843302

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Chandra Shekhar Anans, Advocate
For the State	:	Mr.Manish Dhari Singh, AC to AG
For the Syndicate Bank	:	Mr.Sanjiv Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-07-2019 The grievance of the petitioner is that without serving any demand notice in terms of Sub-section (2) of Section 13 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the ‘SARFAESI Act’) the respondent Bank has proceeded to take action under Section 13(4) of the SARFAESI Act whereby symbolic possession of the property in question has been taken.

Learned counsel for the Bank is present and submits



that in case the petitioner is aggrieved by the possession notice under Section 13(4) of the SARFAESI Act he has a remedy available in law by filing its application before the Debts Recovery Tribunal within the given period.

In the given facts and circumstances of the case, the writ application is being disposed off with a liberty to the petitioner to seek her remedy before the appropriate forum in accordance with law. If such a remedy is applied for within a period of two weeks from today, the same will be considered on its own merit within a period of four weeks and in case any question of limitation arises, the same will be considered keeping in mind that the petitioner was pursuing her remedy before this Court.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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