

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.837 of 2019

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M/s Star Enterprises, Through Its Proprietor Sonu Kumar, Aged about 32 Years, Male, Son of Shri Uma Shankar Lal, Village- Mapatpur, P.O.- Nuan, Police Station- Ramgarh, District- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The Regional Manager, Punjab National Bank, Ara, Bihar.
2. The Zonal Manager, Punjab National Bank.
3. The Brach Manager, Punjab National Bank, Nuaon, Kaimur, Bhabhua.
4. The Chief Manager (Authorized Officer) Punjab National Bank, Divisional Office, Ara, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sandeep Kumar, Adv. Mr. Gautam Kumar Yadav, Adv. Mr. Vinod Kumar, Adv.
For the Respondent-Bank:		Mr. Kumar Priya Ranjan, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-03-2019 This writ application has been preferred seeking quashing of a notice under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (hereinafter referred to as the SARFAESI Act, 2002). It appears that during pendency of the writ application action under Section 13 (4) of the SARFAESI Act, 2002 has also been taken by issuing possession notice and then subsequently steps for auction sale was also taken.

Learned counsel for the Bank has informed that the auction sale could not take place because no bidder turned up.

Be that as it may, this Court is not willing to entertain the present writ application for a simple reason that the petitioner



has filed a misconceived application before this Court by giving a go-bye to the statutory remedy available to him under Section 17 of the SARFAESI Act, 2002. In view of the several judicial pronouncements on the subject one of which being in the case of **United Bank of India vs. Satyawati Tondon** reported in (2010) 8 SCC 110, the writ application is not fit to be entertained. In case the petitioner feels aggrieved by the impugned action of the Bank, he will be at liberty to approach the Debts Recovery Tribunal at Patna by filing a securitisation application in terms of the statutory provision. If such an application is filed, the petitioner will be at liberty to raise all such pleas which will be available to the petitioner.

In case a question of limitation arises, the Debts Recovery Tribunal, Patna shall consider the same keeping in mind the period spent by the petitioner in this regard in pursuing the present writ application.

The application stands disposed of, accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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