

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16727 of 2017

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M/s Lakhan Homes and Resorts Pvt. Ltd. through its Managing Director Sanjay Kumar S/o Yogendra Singh, having its registered office at A-2, 2nd Floor, Lakhan Sona, P.O.- Danapur Cantt., P.S.- Rupaspur, District- Patna.

... .. Petitioner/s

Versus

1. The Union Of India through the Finance Secretary, Finance Department, New Delhi
2. The Housing and Urban Development Corporation through its Secretary, having its Regional Office at Mourya Lok Complex, Dak Bunglow, Patna
3. The Recovery Officer, Debt Recovery Tribunal, Ashiyana Digha Road, Patna.
4. The Presiding Officer, Debt Recovery Tribunal, Ashiyana Digha Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. None

For the Respondent/s : Mrs. Kanak Verma, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-08-2019 No one appears for the petitioner.

This writ application was preferred for quashing of the order of warrant of attachment of immovable property passed on 05.04.2017 and the notice issued on 07.08.2017 for settling the sale proclamation issued under the seal and signature of Recovery officer, Debts Recovery Tribunal, Patna (hereinafter referred to as the 'Tribunal') in R.P. No. 321 of 2016.

Perusal of the writ application shows that earlier the Tribunal has passed a judgment on 23.12.2015 in O.A. No. 122 of 2014 and pursuant thereto a certificate of recovery was



issued on 08.07.2016. In course of recovery proceeding if any order was passed by the Recovery officer and the petitioner wanted to challenge the same, a remedy is provided under Section 30 of the Recovery of Debts and Bankruptcy Act, 1993 (hereinafter referred to as the 'Act of 1993'). Instead of challenging the impugned order and action under the statutory appeal provision, the petitioner has chosen to file the present writ application. Moreover, it appears that in absence of any interim order in this writ application, the recovery proceeding must have gone ahead and subsequent orders passed.

In the aforesaid view of the matter, there is no reason to entertain this writ application as the petitioner had adequate and efficacious remedy of appeal under the Act of 1993.

The writ application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

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