

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12451 of 2019

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Vikash Kumar Son of Om Prakash Gupta, Resident of Panchaimaliya, Gola Road, Ward No. 12, Salempur, P.S., and P.O. Barh, District- Patna.

... .. Petitioner/s

Versus

1. Punjab National Bank through its Managing Director, Head Office, Plot No. 4, Sector-10 Dwarka, New Delhi, Pin Code- 110075
2. Chief Manager-cum-Authorised Officer, Punjab National Bank, Barh Branch, Patna.
3. The Branch Manager, Punjab National Bank, Barh, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kr Singh No.1
For the Respondent/s : Mr.Kumar Priya Ranjan

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-07-2019 The petitioner in this case is seeking to challenge the possession notice dated 30.05.2019 issued by the Chief Manager, Punjab National Bank under Section 13(4) of The Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (hereinafter referred to as the 'Act of 2002'). Learned counsel for the petitioner submits that the petitioner is willing to deposit the amount due to the bank by way of one time settlement.

Learned counsel for the bank submits that if the petitioner is so willing to settle his account the bank will definitely consider the same and in fact the petitioner had approached the bank for settlement, but then he did not turn up and chose to file the present writ application.



Apart from the aforesaid contention it is also submitted that against the possession notice there is statutory remedy provided under Section 17 of the Act of 2002, therefore, this writ application is not fit to be entertained.

Having heard learned counsel for the parties, in the nature of the contentions raised, this writ application is being disposed off without inviting any counter affidavit. The petitioner has got a remedy under Section 17 of the Act of 2002, therefore in case he is willing to challenge the possession notice he may seek his remedy in accordance with law before an appropriate forum.

However, as submitted by learned counsel for the petitioner if the petitioner is willing to settle the account, he will have to approach the concerned authority of the bank i.e. the Chief Manager, Barh branch, Patna (respondent no.2) with his proposal for settlement of the account which will be considered by the respondent no.2 in view of the submissions made before this Court that the bank shall consider request of the petitioner for settlement of the account at this stage also.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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