

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23311 of 2018

-
1. Azmet Institute Of Technology (N I T) through its Chairman, Under Al Zafar Memorial Education Trust, Regd./Admin Office at Nawab Ganj, Police Station + District – Kishanganj; Address of Institute: Al-Zafar Memorial Education Trust A/c Azmet Institute of Technology (AIT), At Zafar Nagar, Anarkali, Police Station – Kochdhaman, District – Kishanganj.
 2. Md. Jawaherul Hassan, Chairman, AZMET Institute of Technology (AIT), Son of Late Zafirul Hassan, Resident of Village- Nawabganj, Police Station + District – Kishanganj.
 3. Md. Nawaz Hassan, Son of Md. Jawaherul Hassan, Resident of Village – Nawabganj, Police Station + District – Kishanganj.
 4. Md. Zairul Hassan Son of Zafirul Hassan, Resident of Village – Anarkali, Police Station – Kochdhaman, District – Kishanganj.
 5. Md. Haiderujjama, Son of Late Noor Ahmad, Resident of Village – Anarkali, Police Station – Kochdhaman, District – Kishanganj.
 6. Arshad Hassan, Son of Zuberul Hassan, Resident of Village – Nawabganj, Police Station + District – Kishanganj.
 7. Al-Zafar Memorial Education Trust through its Chairman, Regd. Office – Nawabganj, Police Station + District – Kishanganj.

... .. Petitioners

Versus

1. The Presiding Officer Debt Recovery Tribunal , for State of Bihar, Patna, A,B and F Wing, 2nd Floor, Karpuri Thakur Sadan, Kendriya Karamchari Parishad (GOA), Ashiana Digha Road Police Station – Rajiv Nagar, District – Patna.
2. The Recovery Officer, Debt. Recovery Tribunal for State of Bihar, Patna, A,B & F Wing, 2nd Floor, Karupuri Thakur Sadan, Kendriya Karamchari Parishar (GPOA), Ashiana Digha Road, Police Station – Rajiv Nagar, District – Patna.
3. State Bank of India (SAMB), 5th Floor, Zonal Office Building, J.C. Road, Police Station – District – Patna.

... .. Respondents

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr.S.D Sanjay (Addl. Soc. Gen.)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-01-2019 The defect is ignored.

No one appears for the petitioner.

Smt. Kanak Verma, learned Central Government

Counsel is present.



This writ application has been filed for issuance of a writ in the nature Certiorari to quash the order dated 05.08.2017 passed by the Presiding Officer, Debt Recovery Tribunal, Patna in O.A. No. 29 of 2017 by which a certificate for recovery of Rs. 3,50,03,953.75/- has been issued. Petitioner has also prayed for quashing of the order dated 16.02.2018 by which order for attachment of immovable property in pursuance of order dated 05.08.2017 passed in O.A. No. 29 of 2017 has been passed.

The orders impugned in the present application are appellable orders in terms of the provisions contained in Section 30 of the Recovery Debt and Bankruptcy Act, 1993 itself. The petitioner has not availed the statutory remedy of appeal and has directly moved this Court in its writ jurisdiction.

This Court is not inclined to entertain this writ application in view of an alternative and equally efficacious remedy available to the petitioner.

This writ application is dismissed.

(Rajeev Ranjan Prasad, J)

avin/-

U			
---	--	--	--

