IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22227 of 2019

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Sanjay Kumar Verma Son of Late Brahamdeo Narayan Verma Resident of Mohalla-Mishri Tola, Tekari Road, Patthar Ki Masjit, P.S.-Sultanganj

... ... Petitioner

Versus

1. U.C.O. Bank through Zonal Manager, Zonal Officer, Patna.
2. The Authorized Officer Zonal Officer, U.C.O. Bank 4th Floor, Block-A, Maurya Lok Complex, New Dak Bunglow Road, Patna, District – Patna.
3. The Senior Manager U.C.O. Bank, Fraser Road Branch, Patna, District Patna.

... ... Respondents

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Appearance :
For the Petitioner/s : Mr.Rajeev Kumar Sinha, Advocate
For the Respondent/s : Mr.Ranjeet Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-11-2019 Learned counsel for the petitioner submits that he has already paid the authentication fee.

The matter has been taken up for consideration. Learned counsel for the petitioner submits that the petitioner has moved this court against the action of the Authorized Officer of the Bank taking possession of the secured assets in terms of Rule 8(1) of the Security Interest (Enforcement) Rules, 2002 (hereinafter referred to as the 'Rules of 2002').

The petitioner has also challenged one order dated 30.11.2011 passed by the Presiding Officer, Debts Recovery Tribunal, Patna in M.A. No. 119/2011, whereby the petitioner was directed to pay a sum of Rs. 1,10,000/- in terms of compromised between the parties.

Learned counsel for the Bank submits that the writ application is wholly misconceived inasmuch as against the possession notice the petitioner has a remedy under Section 17 of the SARFAESI Act, 2002 before the Debts Recovery Tribunal. Further it is stated that the challenge to the order of the Tribunal passed as back as on 30.11.2011 is also misconceived, which would be apparent from the fact that at the relevant point of time the petitioner had moved the Debts Recovery Tribunal to direct the Bank to supply full statement of account and had submitted that the petitioner will pay the amount.

In the aforesaid view of the matter, while directing the Bank to make available the statement of account to the petitioner, the Debts Recovery Tribunal has recorded the statement of learned counsel for the Bank that as per compromise between the parties the petitioner had to pay the balance amount of Rs. 1,10,000/-. It is submitted that at this stage after about eight years, challenge thrown to the order passed by the Debts Recovery Tribunal is liable to be rejected.

In the given facts and circumstances of the case, this court finds substance in the submission of learned counsel representing the Bank. The petitioner has got an adequate alternative remedy of filing a securitization application under Section 17 of the SARFAESI Act, 2002 before the Debts Recovery Tribunal, Patna. Thus, in view of the judgment of the Hon'ble Apex Court in the case of **United Bank of India Vs. Satyawati Tondon** reported in **(2010) 8 SCC 110,** this court would not entertain the writ application.

The Writ Application is dismissed, accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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