

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3963 of 2018

=====

Hrishi Kumar Rishi S/o Kamlesh Kumar Singh, Resident of Ratna Priya Rest House Gosaibagh Pahsi, Murarpur, Station Road Gaya, P.S. Kotwali, District- Gaya.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Finance Department, Govt. of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Central Bank of India through the authorized Officer, Regional Office, Patna.
4. The Branch Manager Central Bank of India, Station Road Branch, Gaya, P.S.- Kotwali, District- Gaya.

... .. Respondents

=====

Appearance :

For the Petitioner/s	:	Mr.Purushotam Sharma, Advocate
For the Respondent/s	:	Mr.Gautam Kumar Yadav, AC to GP-26
For the Bank	:	Mr.Prabhakar Jha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-08-2019 Learned counsel of the petitioner, learned counsel for the State and learned counsel for the Bank are present.

This Court is disposing of the writ application on the face of the materials available on the record.

It appears from the prayer portion of the writ application that the petitioner is aggrieved by the judgment and order dated 10.04.2017 passed in S.A. No. 187 of 2016 as contained in Annexure '10' to the writ application by which the SARFAESI Application under Section 17(1) of the Recovery of Debts due to Banks and Financial



Institutions Act, 1993 (hereinafter referred to as the 'Act of 1993') preferred by the petitioner has been dismissed and the petitioner being a certificate debtor has been held liable to pay a sum of Rs. 83,76,217/- together with interest and other charges from 28.07.2016 till realization of the entire sum due and recoverable with costs.

It is the stand of the learned counsel for the Bank that there is an adequate and efficacious remedy of statutory appeal against the impugned judgment and certificate of recovery before the Debts Recovery Appellate Tribunal in terms of Section 20 of the Act of 1993. Learned counsel for the Bank submits that in the case of **United Bank of India Vs. Satyawati Tondon** reported in **(2010) 8 SCC 110**, the Hon'ble Supreme Court has by way of word of caution observed that in the kind of these matters where it relates to recovery of public money writ application need not be entertained and parties should be left to apply for the remedy provided under the special statute.

On perusal of the records and upon going through the judgment of the Hon'ble Supreme Court in the case of **Satyawati Tondon (supra)**, this court is of the considered



opinion that there is no reason as to why the writ application be entertained. The petitioners, if so advised, may seek their remedy before appropriate forum in accordance with the remedy provided under the special statute of 1993. If any such remedy is applied for and a question of limitation arises for consideration the same will be considered keeping in view the period spent by the petitioners before this court in the present proceeding.

The writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/ved

U			
---	--	--	--

