

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 683 of 2020

1. Amar Singh Chouhan, S/o Gosai Ram Chouhan, Aged About 52 Years, R/o Mitthumuda, Raigarh, District : Raigarh, Chhattisgarh

---- Petitioner

Versus

1. Regional Manager, UCO Bank, Regional Office, Chhattisgarh Eye Medical Campus, First Floor, Telibandha, Raipur, District : Raipur, Chhattisgarh
2. Collector Raigarh, District : Raigarh, Chhattisgarh
3. Branch Manager, UCO Bank, Raigarh, District : Raigarh, Chhattisgarh
4. General Manager, District Industrial Centre And Trade, Raigarh, District : Raigarh, Chhattisgarh

---Respondents

For Petitioner/s	:	Mr. N. K. Chaterjee, Advocate
For State	:	Mr. Ayaz Naved, Govt. Advocate
For Respondents/Bank	:	Mr. P.R. Patankar, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19.02.2020

1. Challenge in the present writ petition is to the order dated 19.03.2019 (Annexure P-1) issued by the respondent bank. The impugned order is a notice issued under Section 13 (4) of the SARFAESI Act, 2002. The law so far as challenge to notice under Section 13 (4) by now is a well settled by a catena of decisions of Hon'ble Supreme Court wherein it has been specifically held that the High Court would not have the power to look into the veracity of the

notice under Section 13 (4) of the SARFAESI Act, 2002, particularly when Section 17 provides for a statutory remedy.

2. Recently, this Court had an occasion dealing with the said matter in the case of **Saurabh Jaiswal & Anr. vs. Bank of Baroda & Others** decided on 22.01.2020 wherein it was held that writ petitions against the order passed under Section 14 of the SARFAESI Act, 2002 would not be maintainable.
3. The view of the Court was based upon the judgment of the Supreme Court in the case of **United Bank of India vs. Satyawati Tandon & Others, (2010) 8 SCC 110** and also in the case of **Kanhaiyalal Lalchand Sachdev & Others vs. State of Maharashtra & Others, (2011) 2 SCC 782** and more recently the decision of the Supreme Court in the case of **Authorized Officer, State Bank of Travancore & Anr. vs. Mathew K.C., (2018) 3 SCC 85** and which again was reiterated in the case of **Hindan Forge Private Limited & Anr. vs. State of U.P. and Anr. (2019) 2 SCC 198**.
4. Given the facts and circumstances of the case, this Court is of the opinion that the present writ petition, therefore, would not be maintainable and same therefore stands dismissed. However, right of the petitioner for availing the remedy open to him under the provisions of the Section 17 of the said Act.

**Sd/-
(P. Sam Koshy)
Judge**