

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5603 of 2020

=====

Vinod Kumar Singh, S/o Sita Ram Singh, R/o Village - Devmarkandey P.S.-
Karakat, Dist.- Rohtas.

... .. Petitioner/s

Versus

1. The State Bank of India through its Zonal Manager, State Bank of India West Gandhi Maidan, Patna, Bihar.
2. The Regional Manager, State Bank of India, West Gandhi Maidan, Patna, Bihar.
3. The Chief Manager, State Bank of India, Sasaram, Dist. Rohtas.
4. The Branch Manager, State Bank of Bikaner and Jaipur, Dehri-on-Sone Rohtas.
5. The Chief Manager, State Bank of India. (SARB) II 2nd floor Main Branch building West Gandhi Maidan, Patna.
6. The Authorised Officer (SARB) State Bank of India 2nd floor Main Branch Building, West Gandhi Maidan, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Rajkumar Rajesh, Advocate Mr. Girish Chandra, Advocate Mr. Yashwardhan Kashyap, Advocate
For the Respondent/s	:	Mr. Kaushlendra Kumar Sinha, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-12-2021

Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s :-



(a) For that through an appropriate writ or writs in the nature of certiorari to quash the letter dated 25.11.2019 issued under the Signature of its Authorised Officer, State Bank of India (Respondent No.6) under section 13(2) of SARFAESI Act, whereby and where under demanded the Rupees 11,41,557 (Eleven Lakhs Fourty on Thousand five hundred and Fifty seven Rupees only) in malafide, arbitrary and whimsical manner, by way of illegality, without

jurisdiction by which petitioner became aggrieved.

(b) For that through an appropriate writ/writs the direction may be given to accept the reasonable deposits amount necessary for continuation of accounts of petitioner in view of term loan obtained by the petitioner under the category of Housing loan for the period of 20 years, with easy monthly installments (EMI) of Rupees 11,504/- (Eleven thousand five hundred and four Rupees only) in 240 equal monthly installments.

(c) For that any other Relief/ Reliefs may granted for which petitioner is found entitled by this Hon'ble Court.



We do not find the present petition to be maintainable in its present form, more so, in view of the alternative remedy available under the provisions of Debt recovery Tribunal Act which is now fully functional.

Dr. K.N. Singh, learned Additional Solicitor General, invites our attention to the notification dated 13th of December, 2021, whereby Presiding Officer, Debt Recovery Tribunal, Ranchi has been given charge of Debt Recovery Tribunal, Patna.

In this view of the matter, the petitioner can conveniently approach the Tribunal and pursue the proceedings already initiated with reference to the subject matter in issue.

We direct status quo to be maintained for two weeks by the parties. Thereafter, interim order shall stand automatically vacated.

With aforesaid observation, the writ petition stands disposed of.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	16.12.2021
Transmission Date	

