

Sl No.05
02.02.2021
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**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 652 of 2019

**Sri Sunil Barman
-versus-
State Bank of India & Ors.**

Mr. Utpal Saha
Mr. Debarshi Dhar
..for the respondents

Affidavit-in-opposition filed in Court today be kept with the record.

The petitioner has filed the instant application under Article 226 of the Constitution of India praying for a writ in the nature of mandamus restraining the respondents /Bank Authority from giving effect to a letter dated 20th September, 2019 issued by the respondent No.4 with consequential relief for submitting all previous deposits and acceptance of one time settlement according to the proposal of the petitioner.

None appears on behalf of the petitioner.

On the last occasion, i.e., on 19th January, 2021 the petitioner remained unrepresented. It is pointed out by the learned advocate for the respondents that over the self-same issue the petitioner has already moved before the Debt Recovery Tribunal and the matter is sub-judice there.

In view of such alternative relief being already taken by the petitioner the instant writ petition is not maintainable. In support of his contention the learned advocate for the respondents refers to a decision of the Hon'ble Supreme Court in the case of **United Bank of India versus Satyawati Tondon and others** reported in **(2010) 8 SCC 110**. In paragraph 17 of the said judgment it is specifically observed by the Hon'ble Supreme Court that when an aggrieved person has a remedy under the SARFAESI Act, the High Court should not ordinarily entertain a petition under Article 226 of the Constitution of India. In the instant case the alternative remedy lies with the Debt Recovery Tribunal. The petitioner has already approached the said Tribunal and in view of such efficacious remedy available to the petitioner before the Debt Recovery Tribunal, the petition under Article 226 of the Constitution of India is not maintainable.

In view of such circumstances and also due to the fact that the petitioner repeatedly failed to appear before this Court to submit his grievance, the instant writ petition is dismissed.

(Bibek Chaudhuri, J.)