

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7311 of 2021

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Smt. Meena Devi W/o Late Anil Kumar R/o Mohalla- Alibagh, Devi Sthan,
Manpur, P.S.- Muffassil, District- Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State Bank of India through its Chairman, at State Bank Bhawan,
Madam Kama Road, Mumbai- 400021.
2. The Assistant General Manager, State Bank of India, Retail Assets
Centralized Processing Centre, Patna.
3. The Branch Manager, State Bank of India, Near Gaya Court Main Branch,
Patna, P.S. Kotwali Civil Line, District- Gaya.
4. The S.B.I. Life Insurance Company Limited, Western Express Highway
Junction, Andheri (E), Mumbai- 400069.
5. SBI Life Insurance Co. Ltd., A.P. Colony, Near Asha Singh More, P.S.-
Rampur, Dist- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar, Advocate
For the Respondent/s	:	Mr.Sanjiv Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 18-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-



I. For issuance of writ in the nature of certiorari or any other appropriate writ to set aside letter dated 30/10/20 issued by respondent no.2 whereby and where under possession has been taken of the immovable property of petitioner under rule 8(1) of the Securitisation and reconstruction of financial asset and enforcement of Security interest Act, 2002 without set off of claimed insurance amount.

II. For issuance of writ in the nature of certiorari to quash letter dated 19/06/2020 whereby and where under statutory notice U/S 13(2) of SARFESI Act 2002 has been issued to the petitioner.

III. For issuance of writ in the nature of mandamus or any other appropriate writ or direction to the respondent to adjust Rs. 12,77,990 along with statutory interest.

(insurance cover amount under Rinn Raksha Policy of membership form No.7003096648 dated 27/01/14 of SBI Life Insurance Company Ltd.) against the loan no. 33583231188 of SBI.

IV. For issuance of any other appropriate writ for which petitioner is otherwise entitled.

We find the present petition to be totally misconceived in view of disputed questions of fact. That apart, we find the petitioner to have already taken recourse to an equally efficacious remedy available under the provisions of the Consumer Protection Act. Complaint Case No. 02/2017 already stands initiated before the District Consumer Disputes Redressal Forum, Gaya.

At this stage, learned counsel for the petitioner states that the respondents are not co-operating in the



proceeding pending before the District Consumer Disputes Redressal Forum, Gaya.

Shri Sanjiv Kumar, learned counsel for the respondents seriously disputes such fact, but assures the Court that his clients shall fully co-operate and not take any unnecessary adjournment. In fact assist the Forum in expeditious disposal of the complaint in accordance with law.

As such, present petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	22.01.2022
Transmission Date	

