

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11159 of 2022

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Surya Narayan Raut son of Late Ramprit Raut, Proprietor of M/S Girja Abhusnalaya, Resident of - Ward No. 15, Baggha, near Ram Mandir, PS - Kamataul, District - Darbhanga.

... .. Petitioner/s

Versus

1. The Authorized Officer Canara Bank Zonal Officer, Law Kush Tower, Exhibition Road Patna.
2. The Branch Manager, Branch Officer, Madhuri Complex, First Floor, Poonam Cinema Road, Lalbagh, Darbhanga.
3. The District Magistrate, Darbhanga.
4. The Circle Officer, Darbhanga Sadar, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Khurshid Alam, Advocate Mr.Majid Mahboob Khan, Advocate
For the Respondent/s	:	Mr.Raghwendra Kumar (SC22)
For the Canara Bank	:	Mr. Rajan Ghoshrave, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-11-2022

Petitioner has prayed for the following relief(s):

“(a) For issuance of a writ in the nature of Certiorari for quashing the order dated 21.6.2022 passed by the District Magistrate Darbhanga under section 14 of SARFAESI Act 2002 and memo no. 574 dated 1.7.2022 issued under the signature of Circle Officer has demanded police force till 30.7.2022 for the purpose of taking physical possession of residential house of the petitioner.



(b) For issuance of a writ in the nature of mandamus directing the respondent Bank to accept the demand draft of Eleven Lakh and fifty thousand, which petitioner is trying to pay since 3.4.2021 and exonerate him from loan liabilities or settle the matter after given reasonable opportunity.

(c) For issuance of any other appropriate writ/writs as your lordship may deem fit and proper in the facts and circumstances of the case.”

It is not in dispute that, at this point in time, the subject-matter of the present proceedings is pending adjudication before the competent authority under SARFAESI Act.

As such, in our considered view, the issue raised in the instant petition can conveniently be raised and adjudicated by a specially constituted authority under special Statute. All pleas of fact and law can be raised and adjudicated therein.

As such, the present petition is disposed of, reserving liberty to the petitioner to raise all pleas in the proceedings already pending before the appropriate forum under SARFAESI Act.

In the attending facts and circumstances, we request the appropriate forum, i.e. Debt Recovery Tribunal, constituted



under the SARFAESI Act, to decide the application pending adjudication expeditiously and preferably within a period of six weeks from the date of preferring such application.

Petition is disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	11.11.2022
Transmission Date	

