

07.03.2022

Ct. No. 13

Sl.58

pk

W.P.A No. 697 of 2022
(Through Video Conference)

Samir Das
Vs.
State Bank of India and others

Mr. Kamalesh Jha,
Ms. Srabani Buiswas
.... For the petitioner

Mr. Om Narayan Rai,
Mr. Saikat Roy Chowdhury
... for the State Bank of India.

Ms. Puja Beriwal
... for the respondent no. 4

Affidavit of service filed in Court be kept with the record.

The writ petitioner is aggrieved by an auction sale conducted by the State Bank of India in respect of a certain land which he claims to be agricultural land.

This Court is of the view that the grievance may be agitated before the Debts Recovery Tribunal under Section 17 of the SARFAESI Act, 2002.

This Court does not find any exception to an alternative remedy, to attract the jurisdiction of the writ court under Article 226 of the Constitution.

Counsel for the bank, however, has relied upon the decision of the Supreme Court in the case of **ITC Limited Vs. Blue Coast Hotels Ltd.** reported in

(2018) 15 SCC page 99 to argue that the claim of the petitioner is baseless.

This Court does not want to enter into the said question since the matter itself is not being entertained.

Counsel for the petitioner submits that MA D/N 708 of 2021 is pending in this regard before the Debts Recovery Tribunal.

In that view of the matter, if the petitioner approaches before the Tribunal in charge of the business of the DRT-I, the said Tribunal shall deal with the MA D/N 708 of 2021 as expeditiously as possible.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)