

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3533 of 2023

Prabhavati Devi Wife of Virendra Singh, Resident of Village- Bhuiy, P.S. - Ekma, District - Saran (Chapra).

... .. Petitioner/s

Versus

1. The Chief Manager-Cum-Authorized Officer, State Bank of India Regional Business Officer, Region - 3, Sahebganj, Chapra - 841301.
2. The Regional Manager, State Bank Of India, Regional Business Officer, Region - 3, Sahebganj, Chapra - 841301.
3. The Branch Manager, State Bank of India, Ekma Branch, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Rajesh Kumar, Adv. Mr. Akshay Ashish, Adv.
For the S.B.I.	:	Mr. Santosh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 21-04-2023

Admittedly, the SARFAESI proceedings are pending against the petitioner and he has all remedies to approach D.R.T.

In the judgment passed by the Hon'ble Supreme Court in **South Indian Bank Ltd. and others vs. Naveen Mathew Philip and Anr.**, reported in **2023, SCC Online SC 435**, the Court has held as under:

“18. While doing so, we are conscious of the fact that the powers conferred under Article 226 of the Constitution of India are rather wide but are required to be exercised only in



extraordinary circumstances in matters pertaining to proceedings and adjudicatory scheme qua a statute, more so in commercial matters involving a lender and a borrower, when the legislature has provided for a specific mechanism for appropriate redressal."

As such, granting him the liberty in terms of the judgment (supra), the writ petition is dismissed on account of availability of an alternate remedy.

(Sanjeev Prakash Sharma, J)

Suraj/-
Item No. 54

AFR/NAFR	
CAV DATE	
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