IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6045 of 2023

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Md. Iftekhar Alam S/o Md. Nazir alam, Resident of G.F. Rahman Colony, Sharif Ganj, P.O.-Dehariya, P.S. and District-Katihar.

... ... Petitioner

Versus

1. The Uttar Bihar Gramin Bank through the Chairman, Bihar Gramin Bank, Head Office, Kalam Bagh Chauk, Muzaffarpur.
2. The Chief Manager, Regional Office, The Uttar Bihar Gramin Bank, Sri Nagar Hata, Purnea.
3. The Branch Manager, Katihar Bazar Branch Uttar Bihar Gramin Bank.
4. Md. Auranjeb @ Guddu S/o Md. Sajjad, Resident of Village-Sarifganj, G.F. Rahman Colony, P.S.-Katihar, District-Katihar.

... ... Respondents

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Appearance :

For the Petitioner/s	:	Mr.Bhola Prasad, Advocate
For the Respondent/s	:	Mr.Prabhakar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

3 12-05-2023 From the notice dated 20.03.2023, it appears that the respondent-Bank is proceeding under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the "SARFAESI Act, 2002").

Learned counsel for the petitioner submits that although the notice mentions that the Bank is proceeding under the provisions of the SARFAESI Act, 2002 but till date the petitioner whose property has been sought to be given as security interest by the borrower has not been noticed under section 13(2) of the SARFAESI Act, 2002. It is submitted that without serving the statutory notice under section 13(2), the

Bank has pasted a notice on the property. Although no paper publication etc. has been done in this regard. It is, thus, his submission is that the Bank is not following the provisions of the SARFAESI Act and the rules framed thereunder.

Mr. Prabhakar Jha, learned counsel for the Bank submits that the respondent-Bank would proceed only in accordance with the law and no action shall be taken in the matter without following the provisions of the SARFAESI Act, 2002 and the rules framed thereunder.

In view of the statements made on behalf of the respondent-Bank, this Court finds that the writ application is not required to be entertained at this stage. If the Bank proceeds under the SARFAESI Act, 2002 and any of the measures as provided under sub-section (4) of Section 13 of the SARFAESI Act, 2002 is taken, the petitioner may avail his remedy before an appropriate forum.

This Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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