

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18251 of 2019

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Ramji Prasad Chaurasia S/o Dasharath Prasad Chaurasia Proprietor of M/s Bhawani Box Industry, Resident of Village- Burhawal, P.S.- Karakat, Dist.- Rohtas.

... .. Petitioner/s

Versus

1. The Union of India Through finance Secretary, Finance Department, Govt. of India, New Delhi.
2. The Regional Manager Madhya Bihar Gramin Bank Regional Office, Sasaram, Rohtas.
3. The Chief Manager Madhya Bihar Gramin Bank, Patna.
4. The Chief Manager Madhya Bihar Gramin Bank, Gorari Branch, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. Ram Tujabh Singh, Advocate Mr. Awadhesh Kumar Pandey, Advocate
For the Bank	:	Mr. Ranjeet Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

5 21-03-2023

The petitioner has prayed as under :

“That this is an application for issuance of appropriate writ(s), order (s) or direction Commanding the Respondents not to act on the notice dated 28.06.2019 till the conclusion of the Complaint petition filed before the District Forum at Sasaram, which is in advance stage of conclusion and the aforesaid notice dated 28.06.2019 appears to have been issued without any show cause or notice considering the reply/objection dated 07.05.2019 filed by the petitioner in pursuance to the Notice dated -11.03.2019 as such the act of the Respondents appears to be in ipse dixit manner in colorable exercise of the power conferred to them and therefore the impugned notice dated 28.06.2019 is illegal, erroneous, unjust and without jurisdiction which has caused serious prejudice to the petitioner and has infringed the fundamental right conferred under Article 21 of the Constitution of India.”



The petitioner has assailed the notice dated 28.06.2019 issued under section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as ‘the Act of 2002’).

This Court finds that the petitioner has an efficacious remedy of appeal against the said notice before the DRT under Section 17 of the Act of 2002.

Granting such liberty to the petitioner, the writ petition stands dismissed.

(Sanjeev Prakash Sharma, J)

Ashwini/-
Item No.84

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