

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.3664 of 2023

Mr. Vijay S/o Sahadeorao Sontakke

Versus

The Yavatmal Urban Co-operative Bank Ltd., and others

And

Writ Petition No.3665 of 2023

Sarika W/o Jeevan Pendhari and others

Versus

The Authorized Officer, The Yavatmal Urban Co-operative Bank Ltd., Yavatmal and others

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders.

Court's or Judge's order

In Writ Petition No.3664 of 2023 :

Shri S.B. Tiwari, Counsel for Petitioner.

Shri Vikrant Giramkar with Shri Anand Agrawal, Counsel for Respondent No.1.

Shri K.R. Jain, Counsel for Respondent No.2.

In Writ Petition No.3665 of 2023 :

Ms Ashwini Athalye, Counsel for Petitioners.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : 15th JUNE, 2023.

In both these writ petitions, the petitioners pray that the order passed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act') may not be implemented without giving reasonable notice to them.

2. Shri Giramkar, learned counsel for the respondent No.1- Bank, submits that further steps would be required to be taken by the Bank for taking over physical possession of the properties with which the petitioners are concerned. In that view of the matter, since the petitioners have a remedy before the Debts Recovery Tribunal for challenging the order passed under Section 14 of the SARFAESI Act, they are free to approach the Tribunal.

3. Shri Giramkar further submits that against the notice issued under Section 13(4) of the SARFAESI Act, the petitioners have already filed the proceedings before the Tribunal. This grievance can always be raised by the petitioners in the pending proceedings.

4. In that view of the matter, we do not think it necessary to entertain these writ petitions. By keeping all points open for being raised before the Tribunal, the writ petitions are dismissed.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

LANJEWAR