

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2972 of 2024

Shree Chand @ Shree Chand Madhan S/o Late Shaman Das R/o-MIG-27, 1st Floor, Lohiya Nagar, P.S. Kankarbagh, Patna-20, at Present Residing at House of Ramadhar Singh Chasma Centre Gali, P.S.-Patliputra, Distirct-Patna.

... .. Petitioner/s

Versus

1. The Indian Bank Through Its Chairman-Cum-Managing Director, Having its Head Office, Avvai Shanmugan Salai, Royapettah, Chennai.
2. The Chairman-Cum-Managing Director, Indian Bank, having its Head Office, Avvai Shanmugan Salai, Royapettah, Chennai.
3. The Zonal Manager, Indian Bank, First Floor, Budh Marg, Patna.
4. The Authorized officer, S.A.M.V. Branch, Indian Bank, House No.-41, Road No.-5, East Patel Nagar, Patna-23.
5. The Branch Manager, Indian Bank, Exhibition Road Branch, Exhibition Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Md Jubair Ansari, Advocate
	:	Mr. Rajeev Kr. Singh, Advocate
For the Respondent/s	:	Mr.Onkar Kumar, Advocate
For resp./Bank	:	Mr. Manish Kishore, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-02-2024 1. Heard learned counsel for the parties concerned.

2. In the present writ application, the petitioner has challenged the sale notice dated 17.01.2024, issued under SARFAESI Act, 2002, whereby E-Auction sale notice has been issued with respect to part and parcel of factory, land and building including plant and machinery, situated in Survey Plot no.3145. Petitioner has further prayed for seeking a direction against the respondent- Bank not to disturb the possession of the petitioner's property, described in the Schedule of the sale



notice.

3. Mr. Rajeev Kr. Singh, learned counsel for the petitioner submits that the petitioner is ready to settle the amount under the O.T.S. Scheme. He further submits that in SARFAESI Application, petitioner has stated that the Company has received a notice dated 22.04.2022 from SAM Branch, by which, it has been directed to re-submit the previously approved O.T.S. offer with substantial improvement in the offer amount. The reply of the said letter has already been furnished by the applicant-Company.

4. Learned counsel for the Bank submits that the same prayer has been made and same notice has been challenged by the petitioner before the Debt Recovery Tribunal (in short "D.R.T.") in SARFAESI Application no. 64 of 2024, as such, the petitioner cannot be permitted to pursue two remedies at the same time for the same cause of action.

5. Having heard learned counsel for the parties and taking into consideration the fact that the concerned issue is pending before the D.R.T., this Court finds that for the same relief, the petitioner cannot approach two parallel forum, thus, the present writ application cannot be entertained, accordingly, the same is dismissed, however the petitioner has already raised



the issue of O.T.S. settlement before the D.R.T. in his SARFAESI Application, which may be considered by the D.R.T. in accordance with law.

(Anil Kumar Sinha, J)

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