IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No. 6753 of 2023

Santosh Manjhi, age about 46 years, S/o Sri Fatik Chandra Manjhi, R/o Bara Muri, P.O. Chhota Muri, P.S. Silli, District-Ranchi, Jharkhand. ..... Petitioner

Versus

1. The Union of India through Chairman, Union Bank of India, Union Bank Bhavan, 239, P.O.-Vidhan Bhavan Marg, P.S. Nariman Point, Mumbai-400021, Maharashtra, India.

2. Regional Manager, Union Bank of India, Regional Office, 3rd Floor, Royal Square Building, above Firayala Nxt, Argora Chowk, P.O. & P.S.-Argora, Ranchi.

3. Branch Manager, Union Bank of India, Muri SSI Branch, At+ P.O. Muri, P.S. Silli, District-Ranchi.

4. Chairman, Star Union Dai-ichi Life Insurance Company Limited, 2nd Floor, Vishwaroop IT Park, Plot No.34, 35, & 38, Sector 30 A of IIP, Vashi Mumbai-400703.

5. The State of Jharkhand. ..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mr. Vishal Kr. Tiwary, Adv
For the Res.-UOI : Mr. P.A.S.Pati, Adv
For the Res.-State : Ms. Nirumpama, A.C. to Sr. S.C.-II

03/Dated: 13th December, 2024

Heard learned counsel for the parties.

2. The instant writ application has been preferred by the petitioner to quash the possession notice dated 17.10.2023 and 25.10.2023 and consequential letter dated 04.11.2023 issued by Union Bank of India, Regional Office, Ranchi; whereby possession of residential house of the petitioner was taken by the respondent-bank under the rules prescribed under SARFAESI Act.

3. Learned counsel for the petitioner submits that admittedly the Debts Recovery Tribunal is the competent authority to hear all

the matters relating to SARFAESI Act. However, at present there is no presiding officer at DRT, Ranchi; as such interim protection may be granted to this petitioner.

4. Learned counsel for the respondent submits that it is true that there is no regular presiding officer at DRT, Ranchi, however the presiding officer of DRT, Patna is in-charge of DRT, Ranchi and occasionally he comes and conducts cases at Ranchi Bench and in urgent matter he also uses virtual hearing, therefore it is for the petitioner to file an appeal against this impugned orders/notices before the DRT and mention the case for earlier hearing.

5. Having regard to the aforesaid factual scenario the instant writ application is, hereby, disposed of by giving liberty to the petitioner to file an appeal under Section 17 of SARFAESI Act, before the Debts Recovery Tribunal, at Ranchi and if the same is preferred before the Debt Recovery Tribunal, Ranchi then the Registrar, Debts Recovery Tribunal, Ranchi shall fix an earlier date of hearing so that the rights of the petitioner shall not be prejudiced because the peculiar facts of the non-availability of the Presiding Officer.

6. Accordingly, the instant writ application stands disposed of. Pending I.A. also stands disposed of.

(Deepak Roshan, J.)

Amardeep/