

(2018) 09 CHH CK 0392

Chhattisgarh High Court

Case No: Writ Petition (C) No. 2611 Of 2018

Ahimat Bai

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Sept. 25, 2018

Acts Referred:

- Securitisation And Reconstruction Of Financial Assets And Enforcement Of Security Interest Act, 2002 - Section 17
- Security Interest (Enforcement) Rules, 2002 - Rule 8(1)

Hon'ble Judges: Prashant Kumar Mishra, J

Bench: Single Bench

Advocate: A. C. Sahu, Rajendra Tripathi

Final Decision: Dismissed

Judgement

Prashant Kumar Mishra, J

1. Petitioner would assail the possession notice issued by the respondent Chhattisgarh Rajya Gramin Bank, Durg under Rule 8 (1) of the Security

Interest (Enforcement) Rules, 2002 framed under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short Act, 2002).

2. Petitioner has the remedy of preferring an appeal under Section 17 of the Act, 2002 before the jurisdictional Debt Recovery Tribunal. The writ

petition is not maintainable in view of the law laid down by the Supreme Court in the matter of United Bank of India vs Satyawati Tondon and others,

reported in (2010) 8 SCC 110.

3. Accordingly, the writ petition is dismissed with liberty to the petitioner to approach the DRT.