

(2025) 07 JH CK 1214

In the Jharkhand High Court

Case No : W.P.(C) Filing No. 7078 Of 2025

Lalita Devi, W/o Jay Prakash Narayn Deo

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 09-07-2025

Acts Referred:

Securitisation And Reconstruction Of Financial Assets And Enforcement Of Security Interest Act, 2002 — Section 14, 17

Citation : (2025) 07 JH CK 1214

Hon'ble Judges : Gautam Kumar Choudhary, J

Bench : Single Bench

Advocate : Pranabesh Kr. Paul, Avishek Chandra, Prashant Kr. Rai, Rohit Ranjan Sinha, Gyanendra Kumar

Final Decision : Dismissed

Judgement

Gautam Kumar Choudhary, J

1. Learned counsel appearing on behalf of the petitioner undertakes to remove the surviving defects, as pointed out by office, during the course of day.
2. The instant writ petition has been filed for issuing of writ in the nature of certiorari for quashing the order contained vide memo no. 915 dated 26.06.2025 by which notice has been issued for dispossession of the petitioner from Khewat No. 01, Halka No. 08, Tauzi No. 15/11, Khata No. 58, Plot No. 737 area 4 decimals of village-Sihodih, Giridih.
3. As per the case of the petitioner, he contracted a loan of Rs. 8,96,000/- and the loan amount could not be paid within the stipulated time, therefore, the proceeding was initiated.
4. The main contention of the petitioner is that without issuing notice the order has been issued by the Circle Officer, Giridih for dispossessing the petitioner.
5. It is argued by the learned counsel for the petitioner that at present the

Certificate Case No. 39/2019-20 was initiated and order of dispossession has been passed without hearing the petitioner and final order has also not been passed.

6. Learned counsel appearing on behalf of the respondent-bank submits that instant writ petition is not maintainable in view of the provision of appeal under Section 17 of the SARFAESI Act, 2002 as held in 2018 0 Supreme(Jhk) 1311 Shivam Educational Society, Deoghar V. Central Bank of India, Mumbai, through the Chairman & Ors.

7. It is also submitted that from Annexure-5, it is apparent that the order of dispossession by the Circle Officer, Giridih is in pursuant to the order passed by the Deputy Commissioner -cum- District Magistrate, Giridih under Section 14 of the SARFAESI Act, 2002. The copy of the order has also been filed which shows that there is valid enforcement order passed by the Deputy Commissioner against which petitioner has a remedy of appeal.

8. Under the circumstance, the writ petition is not maintainable and accordingly stands dismissed with liberty to the petitioner to prefer appeal against the impugned order.

Pending I.A., if any, stands disposed of.