

(2011) 03 AHC CK 0005
In the Allahabad High Court
Case No : C.M.W.P. No. 16429 of 2011

Vinod Kumar Jha and another	Vs	APPELLANT
Union of India and others		RESPONDENT

Date of Decision : 18-03-2011

Acts Referred:

Constitution of India, 1950 — Article 226
Securitisation and Reconstruction of Financial Assets and Enforcement of Security
Interest Act, 2002 (SARFAESI) — Section 17

Citation : (2012) 5 AWC 4536(1)

Hon'ble Judges : Satya Poot Mehrotra, J;Rajesh Chandra, J

Bench : Division Bench

Advocate : Neeraj Singh, for the Appellant; Anadi Krishna Narayana, Sandeep Kumar Singh and A.S.G.I., for the Respondent

Final Decision : Dismissed

Judgement

Satya Poot Mehrotra and Rajesh Chandra, JJ.—Petitioners have filed the present writ petition inter alia praying for quashing the notice dated 13.3.2011 (Annexure-10 to the writ petition) whereby, the respondent authorised officer of Bank of Baroda has required the petitioners to deliver the possession of the secured assets which had already been sold in the proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short the "Act"). Heard Sri Neeraj Singh, learned counsel for the petitioner and Sri Sandeep Kumar Singh learned counsel appearing for respondent Nos. 2 and 3.

2. From the averments made in the writ petition, it transpires that the petitioners have already filed application/appeal u/s 17 of the Act before the Debts Recovery Tribunal, Lucknow.

3. As the petitioners are already availing an alternative remedy available to them under law, we are not inclined to exercise the writ jurisdiction under Article 226 of the Constitution of India in the present case. The writ petition is liable to be

dismissed on the said ground and it is accordingly dismissed.