



IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH AT BILASPUR

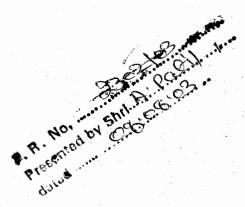
W.P.NO^{2.546} /2003

PETITIONER

SMT. MOGI BEN PATEL, W/O. KESHAV LAL PATEL, AGED ABAOUT 60 YRS. VILL. URLA, P.O.ABHANPUR, TAH. ABHANPUR, DIST. RAIPUR (C.G.).

VERSUS

<u>RESPONDENTS</u>





- :1. UNION OF INDIA, THROUGH THE SECRETARY, MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS AND ALSO, THROUGH THE SECRETARY, MINISTRY OF FINANCE, NEW DELHI.
- 2.STATE BANK OF INDIA, A
 BANKING COMPANY
 RELEVANT PROVISIONS OF
 STATE BANK OF INDIA ACT,
 1955, HAVING ITS INTERALIA
 AMONGST OFFICES A
 COMMERCIAL BRANCH AT
 KUTCHERYBRANCH, RAIPUR
 (C.G.)
- 3. M/S. R.K.MINI RICE MILLS
 THROUGH IT'S PROPRIETOR
 MR.RAMESH PATEL, S/O.
 KESHAV LAL PATEL, AGED
 ABOUT 42 YRS. VILL. URLA,
 P.O.ABHANPUR, TAH.
 ABHANPUR, DIST. RAIPUR
 (C.G.).

WRIT PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF WRITS IN THE NATURE OF MANDAMUS, CERTIORARI AND/OR ORDER (S), AND/OR DIRECTION (S) IN THE NATURE OF WRITS.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

विरुद्ध'

आदेश का दिनांक आदेश क्रमांक सहित

आदेश हस्ताक्षर सहित

कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DB: HON'BLE SHRI A.S.V. MOORTHY, C.J.
85 HON'BLE SHRI VIJAY KUMAR SHRIVASTAVA, J.

30/11/2004

None for the petitioner.

Shri Vinay Harit, Sr. Standing Counsel for the Union of India/respondent No.1.

Shri R.S. Jaiswal, Counsel for respondent No.2.

Shri R.S. Patel, Counsel for respondent No.3.

Following the decision of the Supreme Court in the matter of Mardia Chemical Ltd. Vs. Union of India (2004 AIR SCW 2451), the writ petition stands dismissed.

However, it is made clear that where a secured creditor has taken action under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in such cases it would be open to borrowers to file appeals under Section 17 of the Act within the limitation as prescribed therefore, to be counted with effect from today.

Sd/-Chief Justice Sd/-V.K. Shrivastava Judge

[पीछे देखिये