

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4637 of 2015

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Rajneesh Kumar S/o Late Harihar Nath Suman resident of mohalla-
Lakridahi, Chandwara, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. Uco Bank and corporate office
2. Zonal Manager, UCO Bank, Zonal Office, 4th Floor Maurya Lok Complex,
P.S.- Kotwali, District- Patna
3. Chief Manager, UCO Bank, AMB Branch, Fraser Road, Patna.
4. Branch Manager, UCO Bank, Muzaffarpur Branch, Jawaharlal Road, P.S.-
Muzaffarpur, District- Muzaffa
5. Debt Recovery Tribunal, H.34, Lal Bhawan, Lodipur, Near New Police
Line, Bank Road, Patna-1 through
6. Presiding Officer, Debts Recovery Tribunal, H.34, Lal Bhawan, Lodipur,
Near New Police Line, Bank R
7. Recovery Officer, Debts Recovery Tribunal, H.34, Lal Bhawan, Lodipur,
Near New Police Line, Bank R

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Narendra Mishra
	:	Mr. Neeraj Kumar Gupta
For the Respondent/s	:	Mr. Sheela Sharma
For the UCO Bank	:	Mr. Ranjeet Kumar Pandey

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL ORDER

20 09-07-2024 Heard the Learned counsel for the petitioner as well

as the Learned counsel for the respondent (U.C.O. Bank).

2. After considerable hearing, the preliminary

objection was raised by the respondents contending that

Statutory alternative remedy is available to prefer an appeal



against the orders of the Presiding Officer, Debts Recovery Tribunal (DRT) and instead of approaching the Appellate Tribunal, the present writ petition has been filed which is not maintainable.

3. Admittedly, the orders have been passed in Miscellaneous Application No. 203 of 2014 dated 19.11.2014. After lapse of about 11 years, objection has been raised during the course of argument that writ petition is not maintainable against the orders of the Debts Recovery Tribunal.

4. It is pertinent to mention that having regard to the judgment of Hon'ble Supreme Court as reported in (2024) 2 SCC 1 (CELIR LLP Versus. BAFNA MOTORS (MUMBAI) PVT LTD & ORS) which observed as follows:-

"101. More than a decade back, this court had expressed serious concern despite its repeated pronouncements in regard to the High Courts ignoring the availability of statutory remedies under the RDBFI Act and the SARFAESI Act and exercise of jurisdiction under article 226 of the constitution. Even after, the decision of this court in Satyawati Tondon [United Bank of



India V. Satyawati Tondon, (2010) 8 SCC 110: (2010) 3 SCC (Civ) 260], it appears that the High Courts have continued to exercise the writ jurisdiction under Article 226 ignoring the statutory remedies under the RDBFI Act and the SARFAESI Act."

5. The Hon'ble Apex Court has further observed in the case of PHR INVENT EDUCATIONAL SOCIETY VS UCO BANK & ORS reported in 2024 INSC 297 as follows:-

"22. It can thus be seen that it is more than a settled legal position of law that in such matters, the High Court should not entertain a petition under Article 226 of the constitution particularly when an alternative statutory remedy is available.

"30.It has however been clarified that the High Court will not entertain a petition under Article 226 of the constitution if an effective alternative remedy is available to the aggrieved person or the statute under



which the action complained of has been taken itself contains a mechanism for redressal of grievance.

“33. While dismissing the writ petition we will have to remind the High Courts of the following words of this Court in the case of Satyawati Tondon (Supra) since we have come across various matters wherein the High Courts have been entertaining petitions arising out of the DRT Act and the SARFAESI Act in spite of availability of an effective alternative remedy:-

"55. It is a matter of serious concern that despite repeated pronouncement of this Court, The High Courts continue to ignore the availability of statutory remedies under the DRT Act and the SARFAESI Act and exercise jurisdiction under Article 226 for passing orders which have serious adverse impact on the right of banks and other financial institutions to



recover their dues. We hope and trust that in future the High Courts will exercise their discretion in such matters with greater caution, care and circumspection”.

6. The Apex Court has time and again stated that once there is Statutory alternative remedy available, the High Court cannot entertain the writ application. Taking into consideration the rulings of the Apex Court, I am of the considerable view that the writ petition is not maintainable and the petitioner has to challenge the orders of the Miscellaneous Application No. 203 of 2014 as well as Miscellaneous Application No. 23 of 2015 dated 19.11.2014 and 13.03.2015 respectively before the Debts Recovery Appellate Tribunal, Allahabad. The writ petition is pending for more than 10 years. This Court has not disposed of the writ petition at the earliest possible time. Therefore, liberty is given to the petitioner to approach the Debts Recovery Appellate Tribunal to challenge the impugned orders which shall be entertained by the Debts Recovery Appellate Tribunal. Petitioner shall approach the Appellate Tribunal within a period of one month from today, till then status quo will be maintained by both the parties.



6. With the aforesaid observations, the Writ petition
stands disposed of.

(G. Anupama Chakravarthy, J)

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