

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14910 of 2017

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Sunita Devi W/o Kamlesh Kumar Gupta Permanent resident of Jora Mandir
Dehri On Sone, Post and P.S. - Dehri, District - Rohtas.

... .. Petitioner/s

Versus

1. Punjab National Bank Through Its Authorized Officer
2. Punjab National Bank , Hari Complex, Old G.T. Road, Sasaram.
3. Lakshmina Kunwar W/o Late Babban Prasad
4. Gyanchand Kumar S/o Late Babban Prasad
5. Sunil Kumar S/o Late Babban Prasad
6. Komal Gupta S/o Gyanchand Kumar
7. Neha Gupta Minor
8. Shital Gupta Minor
9. Abhinav Gupta Minor Sons & D/o Gyanchand Kumar
10. Manisha Kumar D/o Sunil Kumar
11. Deepshikha
12. Rabishankar
13. Nisha Gupta
14. Aniket Gupta Sons & D/o Sunil Kumar All residents of Mohalla - Takiya,
P.O. and P.S. - Takiya, District - Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar Shukla, Adv.
For the Respondent/s	:	Mr. Kumar Priya Ranjan, Adv.
		Mr. Mritunjay Kumar, Adv.
		Mr. Ram Ganesh, Adv.

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 25-06-2025

1. Heard the Learned counsel for the
petitioner as well as the Learned counsel for the
respondents.



2. The Writ petition is filed for the following reliefs:-

(i) For issuance of a writ in the nature of Mandamus directing/commanding the concerned respondents not to take actual physical possession of 1/4th share of the petitioner in the left over properties of his father late Babban Sah, not being party to any loan taken from Bank as Loanee or Guarantor or remotely concern from any corner.

(ii) This Hon'ble Court is further prayed to adjudicate and hold that the action of the Respondent Bank is highly arbitrary and illegal in taking over the entire properties without bifurcating the lady petitioner's share in her late father's property and no one is legally empowered to snatch that right of the petitioner.

(iii) For issuance of an appropriate direction to the authority concerned not to consider valid and legal objection raised by the Lady Petitioner in respect to her father's property



and only then to reach to any final conclusion.

(iv) Any other writ/writs be issued, direction/directions be given, order/orders be passed in the given facts and circumstances of this case for which the petitioner may be found entitled.

3. On perusal of the Writ petition, it is evident that it is purely a civil dispute between the petitioner and the bank and the private respondent Nos. 3 to 14. The petitioner has as an alternative remedy to challenge the orders before the DRT, if any such order has been passed by the DRT.

4. In the case of **PHR Invent Educational Society v. UCO Bank and Others** (Civil Appeal No. 4845 of 2024), their Lordships of the Apex Court have held as follows:

“Ordinarily the High Court would not entertain a petition u/Art. 226 if an effective remedy is available to the aggrieved person...”



5. Likewise, in the matter of **Celir LLP v. Bafna Motors (Mumbai) Pvt. Ltd. and Ors.**, reported in **(2024) 2 SCC 1**, their Lordships of the Apex Court have held as follows:-

“97. This Court has time and again, reminded the High Courts that they should not entertain petition under Article 226 of the Constitution if an effective remedy is available to the aggrieved person under the provisions of the SARFAESI Act ...”

6. In the case of **United Bank of India v. Satyawati Tondon and Ors.** reported in **(2010) 8 SCC 110**, their Lordships of the Apex Court have held as follows:-

“43. ... the High Court overlooked the settled law that the High Court will ordinarily not entertain a petition under Article 226 of the Constitution if an effective remedy is available to the aggrieved person and that this rule applies with greater rigour in matters involving recovery of taxes, cess, fees, other types of public money and the dues of banks and other financial institutions ...”

It is further held:-



“... the High Court must insist that before availing remedy under Article 226 of the Constitution, a person must exhaust the remedies available under the relevant statute.”

7. The principle stated in the above judgments squarely applies to the facts and circumstances of the present case. Therefore, the writ petition is dismissed as it is devoid of merits.

(G. Anupama Chakravarthy, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
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