

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20133 of 2018

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M/s Om Trading Through Its Proprietor Namely Pinku Kumar

... .. Petitioner/s

Versus

1. Bank Of Baroda through Its Regional Manager, Regional Office-Purnea Line Bazar, District-Purnea
2. The Regional Manager, Bank of Baroda, Regional Office- Purnea Line Bazar, District- Purnea
3. The Authorized Officer, Bank of Baroda, Regional Office- Purnea Line Bazar, District- Purnea
4. The Senior Branch Manger, Bank of Baroda, Katihar Main Branch, Sahid Chowk, M.G. Road, Katihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar Jha
	:	Mr.Satya Prakash
For the Respondent/s	:	Mr.Nishi Nath Ojha
	:	Mr.S.K.Sharma

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 31-07-2025

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

“(i) For issuance of writ in the nature of certiorari or any other direction or writ for quashing of the part of the letter bearing no. BR Katihar: SARFAESI 2018: 04-169 dated 29.08.2018, issued under the signature of the Senior Branch Manager, Bank of Baroda, Katihar Main Branch, whereby the respondent authority has advised the petitioner to



deposit the amount of Rs. 24/- Lac in one bullet payment within 10 days from receipt of this letter. Whereas the petitioner is ready to pay the amount of Rs. 24/- Lac within 6 months in easy installments without any latches or default.

(ii) For issuance of writ in the nature of mandamus or any other direction or writ for directing the respondents authority to reconsider the proposal of petitioner to pay the loan amount of Rs. 24/-Lac within 6 months in easy installments without any latches or default.

(iii) For issuance of writ in the nature of mandamus or any other direction or writ for restraining the respondents from taking any further action against the mortgaged property or the petitioner in connection with SARFAESI proceeding and R.C. process pending against the petitioner.

(iv) For issuance of any appropriate writ/direction, which your Lordships may deem fit and proper in the facts and circumstances of the case."



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

3. The Hon'ble Apex Court, in the case of **United Bank of India v. Satyawati Tondon**, reported in **(2010) 8 SCC 110**, held as follows:

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. While dealing with the petitions involving challenge to the action taken for recovery of the public dues, etc. the High Court must keep in mind that the legislations enacted by Parliament and State Legislatures for recovery of such dues are a code unto themselves inasmuch as they not only contain comprehensive procedure for recovery of the dues but also envisage constitution of quasi-judicial bodies for



redressal of the grievance of any aggrieved person. Therefore, in all such cases, 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.

4. In case of **Celir LLP v. Bafna Motors (Mumbai) (P) Ltd.**, reported in **(2024) 2 SCC 1**, the Hon'ble Apex Court 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.

5. In case of **PHR Invent Educational Society Vs UCO Bank & Ors** reported in **2024 Insc 297**, the same principles have been reiterated by the Hon'ble Supreme Court.

6. Therefore, this Court is of the considerable view that the Writ petition is not maintainable when an alternative and effective remedy is available to the petitioner. However, the petitioner is at liberty to



approach the appropriate forum for availing his remedy, and the concerned authority shall also consider the aspect of limitation.

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

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.08.2025
Transmission Date	

