

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22313 of 2018

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Sadhu Sharan Son of Late Bishundhari Rai Resident of Village-Katchi
Dargah,P.S. Nadi Fatuha,Patna City,Distt.-Patna

... .. Petitioner/s

Versus

1. General Manager, State Bank Of India
2. Assistant General Manager, State Bank of India,Gandhi Maidan S.M.E.
Centre Branch,Ist Floor,Patna M
3. Chief Branch Manager,S.B.I. Lal Fatak,Marufganj Branch,Patna City,P.O.
Marufganj,Distt.-Patna
4. Branch Manager,S.B.I. Lal Fatak,Marufganj Branch,Patna City,P.O.
Marufganj,Distt.-Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rudal Singh, Adv.

For the Respondent/s : Mr. Kaushlendra Kumar Sinha, Adv.

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 13-08-2025

1. The Writ petition is filed for the following

reliefs:-

*(i) To direct the respondents
to consider the case of the
petitioner for grant of installment of
60 months to the petitioner from the
date of receipt of the notice under
Section 13(2) of Securitization &
Reconstruction of Financial Assets
and Enforcement of Security Interest
Act, 2002 from the SBI, Marufganj
Branch to OD A/C No. 61131894448,
M/s Neelima Foods, Prop. Sadhu
Sharan, S/o Late Vishundhari Rai,
Resident of Jethuli, Kachi Dargah,*



Patna City, Patna-803201.

(ii) Also to direct the Respondents to consider their notice because the amount is heavy i.e. 11,19,702/-

(iii). Also for any other relief/reliefs for which the petitioner is found to be entitled in the eye of law.

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)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.08.2025
Transmission Date	

