

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12876 of 2017**

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1. Rohit Kumar
2. Ravi Raj Kumar, Both are Sons of Late Om Prakash Prasad, Resident of Ward No. 12, Nokha, P.O. and P.S. Nokha, District-Rohtas

... .. Petitioner/s

Versus

1. Punjab National Bank, Circle Office, Ara Through Its Cheif Manager, Punjab National Bank, Circle Office, Ara.
2. Authorized Officer, Punjab National Bank, Nokha Branch, Nokha, District Rohtas.
3. Branch Manager, Punjab National Bank, Nokha Branch, Nokha, District Rohtas
4. Madan Prasad Keshari, Son of Late Muni Lal Keshari, Proprietor Keshari Dresses Now Keshari Fancy Dresses, Nokha, P.S. Nokha, District- Rohtas.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Jitendra Prasad Singh, Advocate |
| For the Respondent/s | : | Mr. Kumar Priya Ranjan, Advocate    |
| For the P.N.B.       | : | Mr. Mritunjay Kumar, Advocate       |
|                      |   | Mr. Ram Ganesh, Advocate            |

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

**ORAL JUDGMENT**

**Date : 12-05-2025**

1. The petitioner has filed the present Writ application to set aside the possession notice dated 22.02.2017 issued by the respondent-bank in exercise of power under Section 13 of the Securitization and Re-construction of Financial Assets and Enforcement of Security Interest Act,



2002 read with the Security Interest (Enforcement) Rules, 2002 and further to direct the respondent-bank not to take any coercive step against the petitioners, for recovery of loan amount granted to private-respondent no. 4 for which the petitioners are the guarantor and/or to grant any other relief.

2. Heard the Learned counsel for the petitioners and perused the entire documents on record.

3. The pleadings disclose that the petitioners stood as guarantor for the 4<sup>th</sup> respondent cash credit A/c No.6484008700000364 and were challenging the notice under Section 13(2) of the SARFAESI Act which was issued to the borrower seeking protection from the auction. As per the judgments of the Hon'ble Apex Court in **Celir LLP vs. Bafna Motors (Mumbai) (P)Ltd. & Ors., (2024) 2 SCC 1**, and in **United Bank of India vs. Satyawati Tondon and Others** and in **PHR Invent Educational Society vs. Uco Bank and Others Civil Appeal No. 4845 of 2024 arising out of SLP© No. 8867 of 2022**. Their



Lordships have 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.

4. Therefore, this Court is not inclined to interfere the notice issued under the SARFAESI Act and, therefore, the Writ petition is dismissed as devoid of merits. However, an observation is made, directing the petitioners to avail the alternative remedies before the appropriate forum.

**(G. Anupama Chakravarthy, J)**

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| AFR/NAFR          | NAFR       |
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