

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10286 of 2018

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Nandlal Sah S/o Late Bachan Sah R/o Village P.S.- Turkaulia, District- East
Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar through District Magistrate, East Champaran
2. The Branch Manager, Uttar Bihar Kshetriya Gramin Bank, Shanker Saraiya,
District- East Champaran
3. The Branch Manager, Uttar Bihar Kshetriya Gramin Bank, Head Office,
Kalambagh Chowk, District- Muzaffarpur, Bihar
4. Mr. Sarda Ram, Branch Manager, Uttar Bihar Kshetriya Gramin Bank,
Shanker Saraiya Branch

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Pandey, Advocate
For the State	:	Mr. Anil Kumar Singh -GP 26
For the Bank	:	M/s Prabhakar Jha Mukund Mohan Jha, Advocates

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 02-07-2025

1. The petitioner has filed the instant
application for the following reliefs:

*“1. for quashing the letters dated
15.09.2016 and 01.03.2018 whereby and
where under the Respondents have asked
the petitioner to pay Rs. 10,92,472/-*

*1A. for direction upon the
Respondents to issue the no dues
certificate to the petitioner as the petitioner
had already paid the loan amount on the
oral instruction of the Branch Manager and
the Bank Authorities are not issuing the no
dues certificate to the petitioner. The*



petitioner had paid Rs. 6,32,000/- on the oral instruction of the Branch Manager but the no dues certificate was issued to him.

1/B. for direction upon the Respondents not to take any coercive steps against the petitioner till disposal of the present writ application.

1/C. for issuance of any other appropriate writ / order / direction to which he is found entitled to.”

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

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 petitioners. However, the petitioners are at liberty to approach the appropriate forum for availing their remedy, and the concerned authority shall also consider the aspect of limitation.

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

8. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.07.2025
Transmission Date	

