

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10238 of 2018

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1. M/s Thakur Jee Mini Rice Mill Through Its Proprietor Om Prakash Choubey and Anr Son of Sri Siyaram Choubey, Village- Balapur, P.O.- Panjar, P.S.- Kargahar, District- Rohtas.
 2. Om Prakash Choubey, Son of Sri Siyaram Choubey, Resident of Village- Balapur, P.O.- Panjar, P.S.- Kargahar, District- Rohtas.

... .. Petitioner/s

Versus

1. Allahabad Bank, Sasaram Branch through its Chief Manager, G.T.Road, Sasaram, Rohtas
2. The Chief Manager, Allahabad Bank, Sasaram Branch, G.T. Road, Sasaram, Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Prabhat Ranjan Singh
	:	Mr.Kanhaiya Pandey
	:	Mr.Rakesh Narayan Singh
	:	Mr.Jai Shankar Pandey
For the Respondent/s	:	Mr.Nishi Nath Ojha
	:	Mr.S.K.Sharma

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 15-07-2025

1. The Writ petition is filed to direct the respondents to take immediate steps for regularizing and updating the loan account of the petitioner after considering the offer made by the petitioner and allow the petitioner to run his business smoothly. Further, to provide help to the petitioner so that the petitioner may run his business and repay the loan amount to the bank.



2. Heard the Learned counsel for the petitioners 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.

(G. Anupama Chakravarthy, J)

vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.07.2025
Transmission Date	

