

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17612 of 2017

1. Renu Devi wife of Anil Prasad
2. Anil Prasad son of Late Basudeo Prasad Both residents of village Shankar Takiya, Near Punjabi Dharamshala, P.S. Civil Lines, District Gaya.

... .. petitioners/s

Versus

1. The General Manager, State Bank Of India and Anr
2. The Branch Manager-cum-Authorised Officer, State Bank of India, Gandhi Maidan Branch, Gaya.

... .. Respondent/s

Appearance :

For the petitioners/s : Mr.Sanjay Kumar Pandey, Adv.
For the Respondent/s : Mr.Satya Prakashtripathy

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 19-06-2025

1. The Writ petition is filed to set aside Letter No. 6553, dated 26.10.2013, issued by the respondent No. 2, whereby information was given regarding the auction sale notice published in the daily news paper *Hindustan* dated 12.08.2013, and the auction was held on 12.09.2013 for a consideration of Rs. 10.10 Lakh and the deposition of the remaining amount of Rs. 4,88,206/- in the petitioners' account, which was received by the petitioners through post on 20.11.2013. The further



relief is to quash the entire proceedings initiated under the SARFAESI Act against the petitioners.

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)

AMANDEEP/-

AFR/NAFR	N/A
CAV DATE	N/A
Uploading Date	20.06.2025.
Transmission Date	

