

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2016 of 2018

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Md. Khurshid Alam son of Late Md. Moinuddin resident of Qutubuddin Lane, Dariyapur, near Fakirbara Masjid, P.O. Bankipur, P.S. Pirbahore, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Finance Department, Government of Bihar, Patna
2. The District Magistrate, Patna.
3. Allahabad Bank through its Managing Director.
4. The Chairman Managing Director, Allahabad Bank.
5. The Regional Manager, Patna Allahabad Bank.
6. The Branch Manager, Allahabad Bank, P.P. Colony Branch, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sri Krishna Ranjan
	:	Mr.Vasant Vikas
For Res. Nos. 3 to 6	:	Mr.Nishi Nath Ojha
	:	Mr.S.K. Sharma
For the Respondent/s	:	Ms.Anuradha Singh-SC-21
	:	Ms.Nutan Kumari Sharma, AC to SC-21

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 24-06-2025

1. The writ petition is filed seeking direction to the concerned authority to hand over the possession of the property which has been auction purchased by the petitioner and depositing the full quoted price of Rs. 8,25,000/-(Rupees eight lakhs twenty five thousand only) and despite of sale certificate dated 03.01.2009 issued by the Allahabad Bank and for the other necessary relief/reliefs.



2. It is noticed that the matter pertains to Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, there is an effective alternative remedy available for the petitioner to challenge it before the DRT, but without availing the alternative remedy, the present writ petition is filed.

3. In **PHR Invent Educational Society v. UCO Bank and Others**, (Civil Appeal No. 4845 of 2024), their Lordships of the Apex Court have held as follows:

“Ordinarily the High Court would not entertain a petition u/Art. 226 if an effective remedy is available to the aggrieved person...”

Likewise, in the matter of **Celir LLP v. Bafna Motors (Mumbai) Pvt. Ltd. and Ors.** reported in **(2024) 2 SCC 1**, their Lordships of the Apex Court have 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 ...”



In the case of **United Bank of India v. Satyawati Tondon and Ors.** reported in **(2010) 8 SCC 110** their Lordships of the Apex Court have held as follows:-

“43. ... 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 ...”

It is further held:-

“... 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 view of the above judgments of the Apex Court, writ petition is not maintainable. Therefore, the writ petition is dismissed as it is devoid of merit.

(G. Anupama Chakravarthy, J)

vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.06.2025
Transmission Date	

