

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3255 of 2018

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Ajit Kumar Son of Late Shiv Raj Prasad, Resident of Krishna Toli,
Brahmpura, P.S.- Brahmpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The Uttar Bihar Gramin Bank through Its Chairman, Sharma Complex,
Kalambagh Chowk, Muzaffarpur
2. The Regional Manager- Cum-Authorized Officer, Uttar Bihar Gramin Bank,
Regional Office, Muzaffarpur
3. The Branch Manager, Uttar Bihar Gramin Bank, Budh Nagra Kanhauli,
Saraiyaganj, Muzaffarpur.
4. The State of Bihar through the District Magistrate, Muzaffarpur.
5. The District Magistrate, Muzaffarpur.
6. The Sub-Divisional Officer, East Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh
For the Respondent/s : Mrs.Anuradha Singh- SC-21

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 25-06-2025

1. The writ petition has been filed to quash the order dated 08.08.2017 passed by the Learned District Magistrate-cum-District Collector, Muzaffarpur, in Case No. 03/SARFAESI/2017-18 under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'SARFAESI Act'),



whereby a direction was issued to hand over physical possession of the secured asset to the Bank.

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. The Hon’ble Apex Court, in the aforesaid judgments, has categorically held that the High Courts cannot entertain a writ petition under Article 226 of the Constitution when an effective alternative remedy is available to the aggrieved person.

5. It is the specific contention of the learned counsel for the petitioner that the present writ



petition has been filed challenging the order dated 08.08.2017 passed by the District Magistrate-cum-District Collector, Muzaffarpur, in Case No. 03/SARFAESI/2017-18, whereby the District Magistrate has sought to take possession of the property and hand it over to the Bank.

6. This Court, vide order dated 03.04.2018, had initially kept in abeyance the order dated 08.08.2017 passed by the District Magistrate, Muzaffarpur (Annexure-5). A perusal of the said order clearly indicates that the operation of the order dated 08.08.2017 was stayed until the final disposal of the writ petition.

7. At this juncture, the Learned counsel for the petitioner submits that the petitioner is ready to settle the matter with the Bank. In view thereof, the petitioner is directed to approach the concerned Bank authorities along with all relevant documents. If any settlement is arrived at between the parties, it is for the Bank to see that a compromise has been recorded and in the event no compromise is reached,



the Bank shall be at liberty to proceed in accordance with law.

8. With the abovesaid observation, the writ petition shall stand disposed of.

(G. Anupama Chakravarthy, J)

vinita/-

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

