

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17111 of 2017

Nilesh Ranjan Jha Son of Sri Jai Krishna Jha Resident of Village P.O. - Sheo Nagar, P.S. Anchal Benipatti, District - Madhubani, at present Proprietor MS/N.N. Enterprises H.M.T. Tractor, Maa Kaushalya Complex Suratganj, Ward No. 11, Subhash Chowk, District - Madhubani.

... .. Petitioner/s

Versus

1. The Authorized Officer, Central Bank Of India
2. The Branch Manager, Central Bank of India, Main Branch, District - Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ratanakar Jha, Adv.
For the Respondent/s	:	Mr. Ajay Kumar Sinha, Adv.
		Mr. Ajay Kr. Sinha, Sr. Adv.
		Mr. Pravin Kumar, Adv.
		Mr. Ajit Kumar Sinha, Adv.

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 08-07-2025

1. The Writ petition is filed for the following

relief:-

(i) To issue an appropriate order/s, direction including a writ preferably in the nature of Mandamus commanding and directing upon the respondents bank to extend period up to June,



2018, so that the petitioner may pay a sum of Rs. 12,10,500/- which is due against him under C.C. Account No. 1557182513.

(ii) To direct the respondent bank to consider the case of the petitioner sympathetically as such due to illnesses of his father he could not pay a sum of Rs. 12,10,500/- out of Rs. 27,50,000/- against C.C. Account No. 1557182513.

(iii) To grant any other relief/ reliefs for which the petitioner is entitled in the facts and circumstances of the case.

2. Interlocutory Application (I.A.) No. 1082 of 2018 has been filed, bringing on record the subsequent developments during the pendency of this Writ petition, for an additional relief, which reads follows:

(i). To issue an appropriate order/s direction/s including a writ preferably in the nature of Certiorari for quashing of Letter No. Letter No. BR/ REC/2017-18/OCT/001 dated 06.10.2017



as contained in Annexure-13 to this Interlocutory Application issued from the office of Respondent No. 2 whereby and where under the bank refused to further extend time for payment of rest of loan amount against C.C. Account No. 1557182513.

3. Heard the Learned counsel for the parties.

4 . On perusal of the entire Writ petition, it is evident that the Writ petition is preferred by the petitioner against the notice issued under Section 13(2) of the SARFAESI Act.

5. The Hon'ble Apex Court, in the case of ***United Bank of India v. Satyawati Tondon and others***, 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.

6. 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.

7. 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.

8. The Writ petition was filed in the year 2017. The Learned counsel for the petitioner at the fag end of the arguments, submitted that the petitioner intends to appear before the DRT, Patna.

9. 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 petitioner. Taking into consideration that the petitioner intends to avail alternative remedy. The petitioner is at liberty to approach the appropriate forum for availing such remedy, and the concerned authority shall also consider the aspect of limitation.



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

(G. Anupama Chakravarthy, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.07.2025
Transmission Date	

