

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.88 of 2018

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Pramod Kumar Rai Son of Shri Jagdish Roy, Proprietor of M/S P.K.R. Enterprises, Resident of Village-Mohanpur, P.O.-Mohanpur Via-Kashipur, Near Nakku Asthan, District-Samastipur.

... .. Petitioner/s

Versus

Andhra Bank Through Authorised Officer Aditya Arcade, 2nd Floor, Exhibition Road, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Nath Choubey, Advocate
For the Respondent/s : Mr. Shivendra Kr. Roy, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 26-06-2025

1. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents.

2. The Writ petition is filed for the following reliefs:-

“ against the order dated 23.10.2017 passed by learned Presiding Officer, Debt Recovery Tribunal for the State of Bihar at Patna in M.A. 133 of 2016 arising out of S.A. No. 17 of 2016 as contained in Annexure-8 by which the application filed by petitioner with request to direct the Respondent Bank to



pay compensation for harassment and illegal action by the Bank, has been rejected.”

3. At the outset, the Learned counsel for the respondent contended that the Writ petition is itself not maintainable as there is an alternative remedy to the petitioner to challenge the order impugned before the Debt Recovery Appellate Tribunal.

4. In the case of **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...”

5. 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 ...”

6. 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.”

7. The principle stated in the above judgments squarely applies to the facts and circumstances of the present case. Therefore, the writ petition is dismissed as it is devoid of merits.

8. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.06.2025
Transmission Date	

