

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14797 of 2018

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Manoj Kumar Sharma Son of Rameshwar Sharma Resident of Near Mahadev Mandir, Baipass Roas, Ashok Bihar, P.O. Chandchaura, P.S. Civil Lines, District- Gaya.

... .. Petitioner/s

Versus

1. Bank Of Baroda Through The General Manager and Ors
2. Chief Manager, Bank of Baroda Gaya Main Branch, Rathod Bhawan, Swarajpuri Road, Gaya.
3. Branch Manager, Bank of of Baroda, Swarajpuri Road, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No-2
For the Respondent/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 11-07-2025

1. The Petitioner has prayed for the following reliefs:-

That this writ application is being filed for issuance of appropriate writ/writs, order/order, direction/directions for setting aside the Possession notice dated 07.04.2018 issued by the Respondent No. 2, whereby and whereunder the respondent bank informed the petitioner to take possession of the part and parcel of the property consisting of Plot No. 346 (Old), 3434 (New) Ward No. 23, Mohalla-



Ashok Bihar Colony, Gaya, and/or for any other relief or reliefs to which the petitioner may be found entitled encourse of hearing of this Writ application.

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

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 also 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 petitioner. However, the petitioner is at liberty to approach the appropriate forum for availing his 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	NAFR
CAV DATE	N/A
Uploading Date	11.07.2025
Transmission Date	

