

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20486 of 2025

=====

Akhilesh Kumar Son of Suvedar Prasad, Resident of Village- Pant Nagar,
Police Station- Vishnupad, District- Gayaji.

... .. Petitioner/s

Versus

1. The Central Bank of India through the Regional Manager, Regional Office, Near White House Compound, Opposite Jail Superintendent House, Old Commissioner More, District- Gayaji- 823001.
2. The Regional Manager, Regional Office, Near White House Compound, Opposite Jail Superintendent House, Old Commissioner More, District- Gayaji- 823001.
3. The Central Bank of India, Zonal Office, through the Deputy General Manager, Block-B, 2nd Floor, Maurya Lok Complex, Dak Bungalow Road, Patna-800001.
4. The Authorized Officer, Recovery Department, Regional Office, White House Compound, Gayaji- 823001.
5. The Branch Manager, Central Bank of India, Khandail Branch, Gayaji.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha
For the Respondent/s : Mr.Prabhakar Jha

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 22-12-2025 1. The present writ application has been filed for quashing of Letter No. RO(Gaya) RECV/2025-26/220 dated 14.11.2025, issued by the respondent-Central Bank of India, whereby an e-auction sale notice has been published under SARFAESI Act read with Rule 8(6) and 9(1) of the Security Interest (Enforcement) Rules, 2002.
2. The brief facts of the case of the petitioner is that the petitioner was an employee of the respondent/Bank and, while posted as Head Cashier at Khaindel Branch, Gaya, he had



availed credit facilities from the Bank in the year 2012. Due to default in repayment of the loan instalments, the loan account was declared as a Non-Performing Asset (NPA) on 28.10.2019. As a result of such default, the outstanding dues accumulated to Rs. 18,02,770/- as on 13.06.2024. The recovery proceeding was initiated by issuing a demand notice under Section 13(2) and Section 13(4) of the SARFAESI Act.

3. Learned counsel for the petitioner submits that Respondent No. 4 is the Authorised Officer of Recovery Department of the Bank who has issued an e-auction sale notice dated 14.11.2025 for sale of the petitioner's dwelling house, fixing the date of auction on 24.12.2025. It is further submitted that the petitioner is a dismissed employee of the respondent/Bank and has challenged the order of dismissal by filing a writ application bearing C.W.J.C. No. 15026 of 2022, which is pending before this Court. Thus, contention is that certain dues/arrears payable to the petitioner by the respondent/Bank are still outstanding and have not been settled till date as such, the e-auction be stayed till the decision of the writ petition filed by the petitioner against the bank.

4. On the other hand, learned counsel for the bank opposed the writ petition and submits that remedy is available to



the petitioner under Section 17 of the SARFAESI Act and the petitioner can avail his remedy before the Debt Recovery Tribunal.

5. I have heard the parties and have gone through the materials available on records.

6. The Hon'ble Supreme Court in the case of United Bank of India vs Satyawati Tondon and others reported in (2010) 8 SCC 110 has observed 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 and other types of public money and the dues of banks and other financial institutions.

7. In the facts of the present case, the petitioner has admittedly taken a loan which accumulated to the extent of Rs. 18,02,770/- and the loan account of the petitioner was declared NPA as far back as on 28.10.2019. The law is well settled that where a statute provides a complete and efficacious mechanism for redressal of grievances, the High Court, in exercise of its jurisdiction under Article 226 of the Constitution of India, should ordinarily refrain from entertaining a writ petition.

8. In view of the availability of efficacious remedy



before the Debt Recovery Tribunal, this Court finds no ground to interfere with the impugned auction notice.

9. Accordingly, with the aforesaid observation, the present writ application is dismissed.

(Anil Kumar Sinha, J)

harshpandey/-

U			
---	--	--	--

