

23.06.2025.  
19  
Ct.No.7.  
as

**WPA 319 of 2022**

**Debasish Sarkar  
Vs.  
Punjab & Sind Bank & Anr.**

Mr. Debasish Sarkar.

... Petitioner-in-person.

Mr. Tutul Das,  
Mr. Ranjit Singh,  
Mr. Amar Singh,  
Mr. Ratul Deb Banerjee,  
Ms. Sanchita Bera.

...for the Respondents.

1. Affidavit-in-opposition to the writ petition filed on behalf of the Punjab and Sind Bank is taken on record.
2. In essence, the borrower, against whom a proceeding under Section 19 of the Recovery of Debts Due to Financial Institutions Act, 1993 was initiated due to his failure to repay the equal monthly installments, has preferred the present writ petition seeking a direction to the concerned respondent not to confirm the sale of his land.
3. The petitioner's grievance is that his property was sold at a lower price, and that no proper procedure was followed in conducting the auction sale. These incidents on the part of the secured creditor have prompted the petitioner to file this writ petition.
4. At the outset, Mr. Deb Banerjee, learned Advocate representing the respondents, raised the issue of maintainability of this writ petition. He submits that,

due to the existence of an efficacious alternative remedy, this writ petition is not maintainable. In support of this contention, he places reliance on a decision reported in *(2010) 8 SCC 110 (United Bank of India vs. Satyawati Tondon & Ors.)*.

5. Admittedly, a statutory forum has been created by the relevant statute. When a statute provides for an alternative remedy and creates a forum for the aggrieved person to ventilate their grievances, the High Court should not exercise its jurisdiction by ignoring the availability of such statutory remedies, whether under the DRT Act or the SARFAESI Act.

6. I am informed that the petitioner has already availed the remedy by filing certain applications. Mr. Deb Banerjee informs that some of those applications have already been rejected, while others are still awaiting consideration by the Tribunal.

7. In view thereof, I am of the view that since the efficacious alternative remedy is available to the petitioner to agitate his grievance, this writ petition is not maintainable.

8. Accordingly, the writ petition is dismissed.

9. However, this order shall not preclude the petitioner from approaching the appropriate forum in accordance with law to have his grievances redressed.

10. There will be no order as to costs.

**(Partha Sarathi Chatterjee, J.)**