

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10337 of 2026

M/S Maa Kamakhya Enterprises represented through the Proprietor Smt. Seema Singh aged about-52 years, Female, Wife of Sri Dilip Kumar Singh @ Dilip Singh, R/o Gali no. 1 Punjabi Colony, Dharampur, District- Samastipur (Bihar) 848101.

... .. Petitioner/s

Versus

1. Union Bank of India through its Chairman-cum-Managing Director, having its Head Office at Union Bank Bhawan 239, Vidhan Bhawan Marg, Nariman Point, Mumbai 400021.
2. The Authorized Officer, Union Bank of India Branch-Dharampur District-Samastipur.
3. The Branch Manager, Union Bank of India Dharampur, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Aadesh Raj Swarnima, Adv. Mr.Basant Kumar, Adv.
For the Respondent/s	:	Mr.Nishi Nath Ojha, Adv. Mr.Kundan Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR
ORAL ORDER

2 24-07-2026 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the respondents.

2. This writ application has been filed by the petitioner for quashing the letter dated 18.05.2026 issued by the authorized Officer, Union Bank of India, Patna, in exercise of powers conferred under section 13(12) read with Rule 8(6) of the Security Interest (Enforcement) Rules, 2002 (for short the 'Rules') by which a demand notice of Rs. 37,70,150.00/- dated 06.03.2026 has been issued to the petitioner and further for a



direction to restrain the respondent-Bank from taking coercive steps by dispossessing the petitioner from the secured asset.

3. At the outset, learned counsel for the respondent-Bank submits that the petitioner has directly approached this Court without availing the alternative remedy available to her. He further draws the attention of this Court towards the several judgments of the Hon'ble Supreme Court in which the Hon'ble Supreme Court has held that if an effective remedy is available to the aggrieved persons, the High Court should not ordinarily entertain a writ petition under Article 226 of the Constitution of India.

4. In view of submission, this Court reiterates the judgment passed by the Hon'ble Apex Court in the case of **United Bank of India v. Satyawati Tondon**, reported in (2010) 8 SCC, in which it is 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 are 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.”

5. In the case of **Celir LLP v. Bafna Motors (Mumbai)(P) Ltd.**, reported in **(2024) 2 SCC 1**, the Hon’ble Apex Court held as follows:-

“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 **PHR Invent Educational Society V UCO Bank & Ors.** reported in **2024 Insc 297**, the same principles have been reiterated by the Hon’ble Supreme Court.

7. 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 its remedy, and the concerned authority shall also consider the aspect of limitation.

8. With the aforesaid observations, this Writ petition stands dispose of.

(Girijish Kumar, J)

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