

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10030 of 2026

Kamlendu Kumar Son of Late Kusheshwar Prasad Verma, Resident of Verma House, West Jai Prakash Nagar, Near Sipara Bypass Overbridge, P.S.- Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary (Home), Government of Bihar, Patna.
2. The Senior Superintendent of Police, Patna.
3. The Officer Incharge, Jakkanpur Police Station, Patna.
4. HDFC Bank Limited through its Authorized Officer, Boring Road Chowraha Branch, ABC Tower, Second Floor, Bring Road, Patna 800001.
5. Savitri Devi, wife of Late Kusheshwar Prasad Verma, R/o- Verma house, at Amar Shahid Ram Govind Singh Path, Mohalla- West Jai Prakash Nagar, P.S.- Jakkanpur, Near Sipara Bypass, District- Patna.
6. Vimlendu Kumar, S/o- Late Kusheshwar Prasad Verma, R/o- Verma House, at Amar Shahid Ram Govind Singh Path, situated at mohalla- West Jai Prakash Nagar, P.S.- Jakkanpur, Near Sipara Bypass, District- Patna.
7. Navendu Kumar, S/o- Late Kusheshwar Prasad Verma, R/o- Verma House, at Amar Shahid Ram Govind Singh Path, situated at mohalla- West Jai Prakash Nagar, P.S.- Jakkanpur, Near Sipara Bypass, District- Patna.
8. Bhartendu Kumar, S/o- Late Kusheshwar Prasad Verma, R/o- Verma House, at Amar Shahid Ram Govind Singh Path, situated at mohalla- West Jai Prakash Nagar, P.S.- Jakkanpur, Near Sipara Bypass, District- Patna.
9. Nishu Verma, Wife of Bhartendu Kumar, R/o- Verma House, at Amar Shahid Ram Govind Singh Path, situated at mohalla- West Jai Prakash Nagar, P.S.- Jakkanpur, Near Sipara Bypass, District- Patna.
10. Priti Mala, W/o- Ashok Kumar and D/o- Late Kusheshwar Prasad Verma, R/o- Mala Chak Road, District- Jehanabad.
11. Sweta Verma, W/o- Sri Fanibhusan Verma and D/o- Late Kusheshwar Prasad Verma, R/o- Plot No 128 Jvali Sri Sai Galaxy City, Block- Baliana, Bhubaneswar, State- Odisha-752101(India).
12. Priyanka Soni, W/o- Sri Abhishek and D/o- Late Kusheshwar Prasad Verma, R/o- 404 Fiesta, C Wing, Vasant Oscar, LBS Marg, Mulund (West) Mumbai- 400080.
13. Edelweiss Asset Reconstruction Company Limited (EARCL) through its Authorized Officer, Patna.
14. The Registrar, Debts Recovery Tribunal, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. Government Pleader (23)

CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR
ORAL ORDER



2 16-07-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This writ application filed from the following
reliefs:

*“(i) To issue an appropriate writ, order or direction quashing the order dated 18.06.2026 passed by learned Presiding Officer, Debts Recovery Tribunal, Patna in S.A. No. 144 of 2021, and remand the matter to the Debts Recovery Tribunal for fresh consideration on merits after taking into consideration the original pleadings, the supplementary affidavit, subsequent developments, interlocutory applications and all documents already brought on record, and pending disposal of the writ petition, stay the operation of the impugned order dated 18.06.2026 and restrain the respondent Bank, Edelweiss Asset Reconstruction Company Limited and all persons claiming through them from creating any third-party rights, dispossessing the petitioner, or dealing with the secured asset and the household articles removed therefrom on 05.07.2026;
(ii) pass such other order or orders as this Hon’ble Court may deem fit and proper in the interest of justice.”*

3. From perusal of the reliefs, as sought for, in this writ application, it is apparent that the order dated 18.06.2026, which is under challenge herein, has been passed by the learned Presiding Officer, Debts Recovery Tribunal, Patna in SARFAESI Appeal bearing S.A. No. 144 of 2021 and the



petitioner has an efficacious alternative remedy to file and appeal challenging the order in question before the Debt Recovery Appellate Tribunal, Allahabad (hereinafter referred to as the 'DRAT'). However, the petitioner has not filed any appeal challenging the order impugned before the DRAT, Allahabad and straightway approached this Court without availing the efficacious alternative remedy of appeal available to him.

4. In such view of the matter, this writ application stands dismissed.

5. The petitioner would be at liberty to file appropriate application before application forum, if so advised.

(Girijish Kumar, J)

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