IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11458 of 2026

CNR No. BRHC010732992026

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Rakesh Kumar Son of Bhola Prasad Yadav, Resident of Mohalla Ashok Nagar, Ward No. 15, P.O.- Koshi College, P.S.-Chitragupt Nagar, District-Khagaria, Bihar-851205.

... ... Petitioner/s

Versus

1. The Punjab National Bank Through Chief Manager-cum-Authorized Officer, SAM Bhagalpur, Ground Floor of Naulakha Apartment, Opp. DIG Kothi, Badi Khanjarpur, Bhagalpur-812001, Bihar.
2. The Branch Manager, Punjab National Bank, Rajendra Chowk, Khagaria, Bihar.
3. The Authorized Officer, SAM, Circle Office, Punjab National Bank, Bhagalpur.
4. The Competent Authority, Punjab National Bank, Khagaria Chowk, Khagaria, Bihar.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Akash Anand, Advocate
For the Respondent/s : Mr. Suryakant Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR

ORAL ORDER

3 27-10-2026 Heard learned counsel for the parties concerned.

2. The present writ application has been filed for the following reliefs:-

"...i. For issuance of an appropriate writ/s, order/s, Direction/s to the respondents for quashing Notice dated 04.05.2026 whereby and under a demand of Rs. 20,34,019.69 (Principal and interest included) has been raised against the petitioner for repayment of overdue loan amount in

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her account bearing No. 493100 NC000000220 which has been declared as NPA on 01.05.2026 though the account holder has been depositing the EMI till 30.04.2026.

ii. For issuance of an appropriate writ/s, order/s, Direction/s to the respondents not to take any coercive action against the petitioner pursuant to notice dated 04.05.2026 which has been issued in gross violation of statutory provisions and the respondents are harassing the petitioner for no good reason.

iii. For issuance of an appropriate writ/s, order/s, Direction/s to the respondents not to precipitate the matter any further by issuing notice u/s. 13(4) of SARFAESI Act, 2002 since Notice u/s. 13(2) was issued to her and without awaiting any response from her, the account has been declared NPA.

iv. To pass such other order/orders as your Lordships may deem fit and proper in the facts and circumstances of this case."

3. At the outset, learned counsel for the respondent-

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Bank submits that the petitioner has directly approached this Court without availing the alternative remedy available to him. 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*

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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

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

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

(Girijish Kumar, J)

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