

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15489 of 2023

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Sohan Rai Son of Tota Rai, Resident of Mohalla - Gosain Tola, P.O. and P.S.-
Patliputra, District- Patna.

... .. Petitioner/s

Versus

1. The Indian Bank through the General Manager, Zonal Office, Budh Marg, Patna.
2. The General Manager, Indian Bank, Zonal Office, Budh Marg, Patna.
3. The Deputy General Manager, Indian Bank, Zonal Office, Budh Marg, Patna.
4. The Authorized Officer, Indian Bank, Patna Main Branch, Budh Marg, Patna.
5. The Manager, Indian Bank, Patliputra Colony Branch, Patliputra, Patna.
6. The District Magistrate, District - Patna.
7. The Sub Divisional Officer, Patna Sadar, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Giri, Adv.
For the Respondent/s	:	Mr.Raghwendra Kumar (SC-22)
For Res/Bank	:	Dr. BK Jha, Adv.

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 21-07-2026

1. The Writ petition has been filed for the following reliefs:-

i. To issue a writ of certiorari for quashing of demand Notice issued by Respondent no. 4 through Letter No. ZO Patna: SARFAESI 2021-22/260 dated 29.01.2022 to the petitioner whereby petitioner has been directed to deposit Rs. 18,38,111/- in his Loan Account No.20447025643 with Indian Bank, Patliputra Branch, Patna (Erstwhile Allahabad Bank) for a CC



Loan of Rs.16,00,000/- as on 29.01.2022, as contained in Annexure-P/1.

ii. To further issue a Writ of certiorari for quashing of memo no. 3726 dated 25.08.2023 issued by Respondent No.7 whereby and whereunder the possession of the dwelling house of the petitioner situated in Mouza Gosain Tola, P.S-Digha, Patna under PS No.2, Khatha No. 104, Tauzi No. 5085, Plot No. 671, measuring an area of 1 Katha and 5 dhur in the name of late Ramrajia Devi (mother of the petitioner) was handed over to the Indian Bank, Patliputra Branch, Patliputra, as contained in Annexure- P/4.

iii. To further issue a writ of mandamus commanding the respondents not to charge any penal interest on the loan amount taken by the petitioner after declaration of loan as NPA w.e.f. 12.06.2021.

iv. To further issue a writ of mandamus commanding the respondent not to put the dwelling house of the petitioner taken in possession by them 31.08.2023 by



memo no. 3726 dated 25.08.2023 issued by respondent no.7 during pendency of the present writ application.

v. To further issue a writ mandamus commanding the respondent Bank to allow extended time frame for repayment of the loan by the petitioner in a smaller installment.

vi. For any other relief or reliefs for which the petitioner is entitled for.

2. Heard the Learned counsel for the petitioners as well as the Learned counsel for the respondent.

3. The Hon'ble Apex Court, in the case of ***United Bank of India v. Satyawati Tondon***, reported in (2010) 8 SCC 110, 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 and 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.

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

97. 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.

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

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

7. With the aforesaid observations, the Writ petition stands disposed of.

(G. Anupama Chakravarthy, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.07.2026
Transmission Date	

