IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15645 of 2026

CNR No. BRHC011000542026

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Satish Kumar son of Late Shivchandra Mahto, resident of village - Vishhar sthan, Ward No. 16, Phulwariya-3, P.S.- Phulwariya, District- Begusarai.

... ... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The ICICI Bank through its General Manager, corporate office, ICICI Bank tower, Bandra-Kurla Complex, Mumbai, 400051, India.
3. The Zonal Manager, ICICI Bank, Technopolis Building, 4th Floor BP-4, Sector 5, Salt Lake City, Kolkata, west Bengal-700091.
4. The Regional Manager, ICICI Bank, 6-B, Ground Floor, SK Puri, Sahdeo Mahto Marg, Boring Road, Patna, Bihar - 800001.
5. The Branch Manager, ICICI Bank, opposite UPS Building, Nagdah Kapasiya, Begusarai, Bihar - 851112.
6. The District Magistrate Cum Collector, Begusarai.
7. Sub Divisional Officer, Teghra, Begusarai.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Ms. Renu Kumari, Advocate
For the Respondent/s : Mr. Bhuneshwar Pandey, AC to SC-17
For the ICICI Bank Ltd. : Mr. Prabhakar Nath Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR

ORAL ORDER

2 30-10-2026 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 for the following reliefs:-

> *"That, by way of this writ petition, the petitioner craves indulgence of this Hon'ble Court for the issuance of writ, in the nature of certiorari to quash the notice dated*

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20.05.2026 sent by the respondent bank in the name of his deceased father under section 13 (4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SURFAESI ACT), in respect with the property/ dwelling house situated in Mauja Narshinghpur, Sograha, Tauzi No. 4156 & 4158, Khata No. 541, Plot No. 837, Thana No. 389, Anchal Teghra, Begusarai having an Area of 8 Kattha (27.35 Decimal), in which the petitioner along with her whole family members are residing and the respondents may be directed to not to disturb the petitioner and his family members in his peaceful physical possession over the said property and the petitioner further prays for other consequential reliefs, for which the petitioner is entitled under the law."

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 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)

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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*

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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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