IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1195 of 2026

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1. Shashi Shankar Shashi Son of Late Dilip Kumar Sah @ Late Dilip Sah, resident of Mohalla-Teachers Colony Suddin Chowk, Police Station-K. Hat, District-Purnea, Permanent Address-Lalganj, near Power Grid Station, Police Station-Maranga Purnia, District-Purnia.
2. Rubi Kumari, Wife of Shashi Shankar Shashi, resident of Mohalla-Teachers Colony Suddin Chowk, Police Station-K. Hat, District-Purnea, Permanent Address-Lalganj, near Power Grid Station, Police Station-Maranga Purnia, District-Purnia.

... ... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Patna.
2. The District Magistrate, Purnia.
3. The Sub-Divisional Officer, Sadar, Purnia.
4. The Branch Manager/Authorized Officer, Bank of India, Line Bazar, Purnia.
5. The Anchal Adhikari, Purnia.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Hussain
For the State	:	Mr. Sanjay Ghosh Raney, A.C. to AAG-(03)
For the Respondent Bank:		Mr Ajit Kumar Sinha, Adv.
		Ms. Dilkash Khan, Adv.
		Mr. Pravin Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR

ORAL ORDER

5 24-07-2026 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the respondent-Bank.

2. This writ application has been filed by the petitioners for quashing the order contained in Memo No. 1418/Saa dated 23.09.2025 passed by the Sub-Division Officer, Sadar, Purnia, under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security

Interest Act (in short, ‘SARFAESI Act’) granting security assistance to the Bank of India, Line Bazar, Purnia for resumption of possession of the mortgaged property, as contained in Annexure-P/4, and also for quashing the notice dated 02.05.2024 issued under Section 13(2) of the SARFAESI Act by the Authorized Officer/Branch Manager, Bank of India, Line Bazar, Purnia, classifying the petitioner’s account as a Non-Performing Asset with effect from 29.04.2024 and directing discharge of full liabilities of Rs. 907,260.08, as contained in Annexure-P/2, and further for a direction to the respondent Bank to allow the petitioner to make repayment of the borrowed loan amount in installments.

3. At the outset, learned counsel for the respondent-Bank submits that the petitioners have directly approached this Court without availing the alternative remedy available to them. He further draws the attention of this Court towards 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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