

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15556 of 2023

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1. Canara Bank erstwhile Syndicate Bank Through its Divisional Manager, Recovery and Legal Section, Circle Office, Luv Kush Tower, Exhibition Road, Patna.
 2. Divisional Manager, Canara Bank erstwhile Syndicate Bank, Recovery and Legal Section, Circle Office, Luv Kush Tower, Exhibition Road, Patna.

... .. Petitioners

Versus

1. The Union of India through Secretary, Department of Finance, Government of India, New Delhi.
2. Bank of Baroda through its Zonal Manager, Zonal Office, 5 Floor, Boring Canal Road, Patna, Bihar- 800001.
3. Authorized Officer, Bank of Baroda, ROSRB, 1ST Floor, Saryug Complex, Nehru Nagar, Patliputra, District- Patna.
4. Branch Manager, Bank of Baroda, Muzaffarpur Branch, Muzaffarpur.
5. Sachidanand Kumar, son of Shambhu Prasad Yadav Resident of Sahbazpur, P. O. Bhikhanpur, P. S. Ahiyapur, Muzaffarpur, 843103.
6. Geeta Devi, wife of Vidyanand Rai, Resident of Sahbazpur, P. O. Bhikhanpur, P. S. Ahiyapur, Muzaffarpur, 843103.
7. Indu Devi, wife of Shambhoo Prasad Yadav, Resident of Sahbazpur, P. O. Bhikhanpur, P. S. Ahiyapur, Muzaffarpur, 843103.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Rajan Ghoshrahe, Advocate
For the Respondents	:	Mr. Additional Solicitor General
For the Bank	:	Mr. Santosh Kumar Singh, Advocate
	:	Mr. Anubhav Verma, Advocate

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 16-07-2026

1. The Writ petition is filed for quashing the Sale Notice dated 24/08/2023 (ANNEXURE- P/ 2 & P/3) issued by Respondent No. 3 whereby and where under the Respondent- Bank of Baroda has issued illegally a Sale Notice under the provisions of SARFAESI Act, 2002 putting the land and



building bearing Thana No. 663, Khata No. 213, Khesra No. 899, Sale Deed No. 19961 dated 12/08/2008 having an area of 2.1 Decimal in the names of Indu Devi, wife of Shambhu Prasad Yadav (Respondent No. 7) and Geeta Devi wife of Vidyanand Rai (Respondent No. 6), situated at Mauza-Sahbazpur, P.S. Ahiyapur, Anchal- Mushari, District- Muzaffarpur as the said land and building has been mortgaged in 2012 with the Petitioner- Canara Bank in connection with the Loan Account Nos. 74917210000250 and 74911400000527 of Respondent No. 5 which were classified as N.P.A. on 23/12/2015 as per the guidelines of Reserve Bank of India and the recovery proceedings had been initiated by the Authorities of the Petitioner- Canara Bank in accordance with provisions of SARFAESI Act, 2002. Further, to restrain the Respondent- Bank of Baroda from taking any further action for the sale of the aforesaid property.

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



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 petitioners. However, the petitioners are at liberty to approach the appropriate forum for availing their remedy, and the concerned authority shall also consider the aspect of limitation.



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

8. Interlocutory application(s), if any, shall also stands disposed of.

(G. Anupama Chakravarthy, J)

Shanu/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.07.2026
Transmission Date	NA

