

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Civil Writ Petition No. 1339/2016
CNR: RJHC010235612016
URN: CW / 2982U / 2016

M/s. Siddhi Texchem Pvt. Ltd., & Anr.

-----Petitioners

Versus

Govt. Of India & Ors.

-----Respondents

With

S.B. Civil Writ Petition No.8690/2016
S.B. Civil Writ Petition No.6618/2019
S.B. Civil Writ Petition No.14295/2019
S.B. Civil Writ Petition No.15653/2019
S.B. Civil Writ Petition No.1683/2020
S.B. Civil Writ Petition No.2355/2021
S.B. Civil Writ Petition No.5526/2021
S.B. Civil Writ Petition No.11968/2021
S.B. Civil Writ Petition No.17858/2021
S.B. Civil Writ Petition No.3293/2022
S.B. Civil Writ Petition No.8146/2022
S.B. Civil Writ Petition No.8688/2022
S.B. Civil Writ Petition No.11939/2021
S.B. Civil Writ Petition No.1445/2021
S.B. Civil Writ Petition No.3279/2022
S.B. Civil Writ Petition No.9623/2022
S.B. Civil Writ Petition No.12703/2022
S.B. Civil Writ Petition No.13254/2022
S.B. Civil Writ Petition No.15291/2022
S.B. Civil Writ Petition No.18263/2022
S.B. Civil Writ Petition No.2153/2023
S.B. Civil Writ Petition No.4149/2023
S.B. Civil Writ Petition No.18439/2022
S.B. Civil Writ Petition No.909/2023



S.B. Civil Writ Petition No.993/2023
S.B. Civil Writ Petition No.1217/2023
S.B. Civil Writ Petition No.2240/2023
S.B. Civil Writ Petition No.2613/2023
S.B. Civil Writ Petition No.3349/2023
S.B. Civil Writ Petition No.3411/2023
S.B. Civil Writ Petition No.3936/2023
S.B. Civil Writ Petition No.4435/2023
S.B. Civil Writ Petition No.5554/2023
S.B. Civil Writ Petition No.5591/2023
S.B. Civil Writ Petition No.4633/2023
S.B. Civil Writ Petition No.4820/2023
S.B. Civil Writ Petition No.5814/2023
S.B. Civil Writ Petition No.6222/2023
S.B. Civil Writ Petition No.6663/2023
S.B. Civil Writ Petition No.8941/2023
S.B. Civil Writ Petition No.9204/2023
S.B. Civil Writ Petition No.13204/2023
S.B. Civil Writ Petition No.13450/2023
S.B. Civil Writ Petition No.13631/2023
S.B. Civil Writ Petition No.13634/2023
S.B. Civil Writ Petition No.14090/2023
S.B. Civil Writ Petition No.16382/2023
S.B. Civil Writ Petition No.16393/2023
S.B. Civil Writ Petition No.16635/2023
S.B. Civil Writ Petition No.17012/2023
S.B. Civil Writ Petition No.19379/2023
S.B. Civil Writ Petition No.19609/2023
S.B. Civil Writ Petition No.19613/2023
S.B. Civil Writ Petition No.19657/2023
S.B. Civil Writ Petition No.13577/2023
S.B. Civil Writ Petition No.488/2024



S.B. Civil Writ Petition No.1660/2024
S.B. Civil Writ Petition No.1678/2024
S.B. Civil Writ Petition No.3635/2024
S.B. Civil Writ Petition No.4667/2024
S.B. Civil Writ Petition No.5344/2024
S.B. Civil Writ Petition No.5411/2024
S.B. Civil Writ Petition No.6009/2024
S.B. Civil Writ Petition No.6000/2024
S.B. Civil Writ Petition No.7217/2024
S.B. Civil Writ Petition No.7651/2024
S.B. Civil Writ Petition No.8214/2024
S.B. Civil Writ Petition No.11606/2024
S.B. Civil Writ Petition No.12435/2024
S.B. Civil Writ Petition No.15691/2024
S.B. Civil Writ Petition No.16631/2024
S.B. Civil Writ Petition No.16645/2024
S.B. Civil Writ Petition No.20470/2024
S.B. Civil Writ Petition No.21231/2024
S.B. Civil Writ Petition No.21427/2024
S.B. Civil Writ Petition No.15671/2024
S.B. Civil Writ Petition No.21684/2024
S.B. Civil Writ Petition No.4220/2025
S.B. Civil Writ Petition No.7334/2025
S.B. Civil Writ Petition No.8603/2025
S.B. Civil Writ Petition No.10361/2025
S.B. Civil Writ Petition No.12340/2025
S.B. Civil Writ Petition No.13005/2025
S.B. Civil Writ Petition No.18216/2025
S.B. Civil Writ Petition No.22431/2025
S.B. Civil Writ Petition No.23420/2025
S.B. Civil Writ Petition No.23493/2025
S.B. Civil Writ Petition No.24336/2025

S.B. Civil Writ Petition No.24347/2025
S.B. Civil Writ Petition No.24456/2025
S.B. Civil Writ Petition No.24643/2025
S.B. Civil Writ Petition No.390/2026
S.B. Civil Writ Petition No.414/2026
S.B. Civil Writ Petition No.2209/2026
S.B. Civil Writ Petition No.2445/2026
S.B. Civil Writ Petition No.2476/2026
S.B. Civil Writ Petition No.7285/2026
S.B. Civil Writ Petition No.7577/2026
S.B. Civil Writ Petition No.7612/2026
S.B. Civil Writ Petition No.9326/2026
S.B. Civil Writ Petition No.10567/2026
S.B. Civil Writ Petition No.12436/2026
S.B. Civil Writ Petition No.12446/2026
S.B. Civil Writ Petition No.12455/2026
S.B. Civil Writ Petition No.12464/2026

For Petitioner(s)	:	Mr. Moti Singh, Mr. Mainsh Patel, Mr. D.D. Chitlangi, Mr. Jai Kishan Bhaiya, Ms. Akshiti Singhvi, Mr. Chinmoy Shekhar Kotwani, Mr. D.S. Gharsana, Mr. Arpit Mehta
For Respondent(s)	:	Mr. Pintu Pareek, Mr. Sunil Vyas, Mr. Dhanesh Saraswat, Mr. Jagdish Chandra Vyas, Mr. Vijay Purohit, Mr. Avinash Acharya

HON'BLE MR. JUSTICE SAMEER JAIN

Order

16/07/2026

1. The present batch of petitions pertains to proceedings initiated under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short,

'SARFAESI Act') and recovery of financial debt under special legislation such as the Rajasthan Agricultural Credit Operations (Removal of Difficulties) Act, 1974, and other relevant statutes.

2. It has been observed that the petitioners are straightaway approaching this Court invoking its extraordinary jurisdiction under Article 226 of the Constitution of India, bypassing the alternative and efficacious statutory remedy available under the relevant provisions of the applicable Act.

3. This Court is conscious the fact that the controversy involved herein is no more *res integra* and the same is covered by the ratios laid down by the Hon'ble Supreme Court in **United Bank of India v. Satyawati Tondon, (2010) 8 SCC 110** and **Phoenix ARC Pvt. Ltd. v. Vishwa Bharati Vidya Mandir, 2022 INSC 44**, wherein *qua* the maintainability of such writ petitions it has categorically held that High Courts ought to be extremely careful and circumspect in exercising their discretion under Article 226 of the Constitution of India in such financial matters pertaining to financial debt/bank recovery/SARFAESI wherein disputed questions of law are involved.

4. It is the settled proposition of law that entertaining such writ petitions will frustrate the scheme and the legislative intent/wisdom behind the creation of special legislation and that the writ petitions cannot be filed directly under Article 226 of Constitution of India bypassing the alternate remedy of appeal before the appropriate forum available under the provisions of the relevant statute.

5. However, upon a careful perusal of the material available on record, it is observed that interim orders were passed in several

petitions way back after which approximately 2-3 years have been lapsed, and the said interim order has been in currency for a considerable period of time.

6. Learned counsel for the petitioners want to seek instructions to argue the matter.

7. In the interest of justice, list the present batch of petitions under the head "Securitisation/Banking Matters" on 22.07.2026 in the supplementary cause list for final disposal along with above connected writ petitions. It is made clear that no further adjournment shall be granted on the next date of hearing.

8. Interim order, if any, to continue till the next date of hearing.

9. A copy of the present order be placed in the above connected petitions.

(SAMEER JAIN),J