

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

S.B. Civil Writ Petition No. 6604/2026

Punma Ram S/o Shri Raga Ram, Aged About 75 Years, Resident Of Village Fogera, Tehsil Shiv, District Barmer, At Present Resident Of Plot No. 23, Khasra No. 136, Village Pal, Tehsil And District Jodhpur (Raj.)

----Petitioner

Versus

1. Bank Of India, Jodhpur Main Branch Through Its Authorized Officer, Correspondence Address - Dalda Building, Chopasani Road, Jodhpur (Raj.)
2. Lalit Kumar S/o Shri Daya Shankar Rathore, Through Respondent No. 1 (Address Not Known To The Petitioner, The Address Mentioned By Respondent No. 2 In Notice (Ann-5) Is The Address Of The Petitioner)

----Respondents

For Petitioner(s)	:	Mr. Sumer Singh Rathore
For Respondent(s)	:	--

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

25/03/2026

By way of filing the present writ petition under Article 226 of the Constitution of India, the petitioner has prayed for the following reliefs:

"It is, therefore, most respectfully prayed that the writ petition of the petitioner may kindly be allowed and by the issuance of an appropriate order, direction or writ :-

(a) the impugned Possession Notice dated 17/02/2026 (Annexure-5), issued by respondent No. 1 may kindly be quashed and set-aside;

b) the respondent No. 1 may be directed to free from seize the House No. 23, Khasra No. 136, Village Pal, Tehsil & District Jodhpur and handover the possession of the same to the petitioner;

(c) any other appropriate order may also be passed in favour of the petitioner.

(d) cost of writ petition may kindly also be allowed to the petitioner"

2. Having heard learned counsel for the petitioner and having perused the material available on record.
3. This Court prima facie finds that the petitioner has challenged the validity and propriety of the possession notice dated 17.02.2026 (Annexure-5) issued against him by the respondent-Bank of India, Jodhpur, under the provisions of the SARFAESI Act.
4. The Hon'ble Supreme Court, in PHR Invent Educational Society v. UCO Bank & Ors., Civil Appeal arising out of SLP (C) No. 8867 of 2022, decided on 10 April 2024, has held that when an effective alternative statutory remedy is available to an aggrieved person under the SARFAESI Act, the High Court should ordinarily not entertain a writ petition under Article 226 of the Constitution of India, except in exceptional circumstances.
5. In view of the aforesaid, the present writ petition is dismissed.
6. However, the petitioner shall be at liberty to avail the alternative statutory remedy, if so advised.
7. The stay petition also stands disposed of.

(KULDEEP MATHUR),J