

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

S.B. Civil Writ Petition No. 8946/2026

Dilip Kumar Mehkud S/o Shri Nityanand Mehkud, Aged About 49 Years, Presently Residing At Plot No. 30-B (Western Half Portion), Village Danvav, Talheti, Abu Road, District Sirohi (Rajasthan).

----Petitioner

Versus

1. Bank Of Baroda, Through Its Branch Manager, Mount Abu Branch, Old Taxi Stand, Mount Abu, District Sirohi (Rajasthan)- 307501.
2. Bodu Ram S/o Shri Hanuman Ram, Resident Of Village Idali, Tehsil Nava, District Nagaur (Rajasthan).

----Respondents

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For Petitioner(s) : Mr. J.K. Bhaiya

For Respondent(s) : --

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**HON'BLE MR. JUSTICE KULDEEP MATHUR**

**Order**

**27/04/2026**

1. The instant writ petition under Article 226 of the Constitution of India has been filed by the petitioner seeking the following reliefs:-

*"It is, therefore, most humbly and respectfully prayed that this writ petition may kindly be allowed and:-*

*(i) by an appropriate writ, order or direction, the impugned notice 01.12.2025 (Annexure-5), issued by respondent bank may kindly be set aside.*

*(ii) by an appropriate writ, order or direction, the respondent Bank may be directed and restrained to dispossess the petitioner in pursuance of notice dated 01.12.2025 (Annexure-5) and to maintain status quo in respect of the property in question for all purpose...."*

2. Learned counsel for the petitioner submitted that the petitioner has purchased the subject property; however, with a view to deprive him of the fruits of the said purchase, the private respondent failed to deposit the installments with the bank. He further submitted that the sale agreement executed between the

petitioner and the private respondent clearly stipulated that no loan had been availed by the private respondent. In this backdrop, it is contended that the present case warrants for exercise of writ jurisdiction by this Court under Article 226 of the Constitution of India.

3. Having heard learned counsel for the petitioner and upon perusal of the impugned notice dated 01.12.2025 (Annexure-5) issued by the Authorized Officer of the Bank of Baroda in exercise of powers under the SARFAESI Act, 2002, this Court *prima facie* finds that the petitioner has an effective, efficacious, and alternative remedy to challenge the said possession notice by way of filing an application/appeal before the Debts Recovery Tribunal (DRT), Jaipur.

4. The Hon'ble Supreme Court, in "PHR Invent Educational Society vs. UCO Bank" (SLP (C) No. 8867 of 2022), decided on 10th April, 2024, has clearly held that the High Court should keep its hands away from matters concerning the SARFAESI Act.

5. In view of the aforesaid, the present writ petition is dismissed as withdrawn, with liberty as prayed for.

6. The stay petition also stands disposed of.

**(KULDEEP MATHUR),J**