2025:AHC-LKO:86677-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

WRIT - C No. - 12822 of 2025

M/S Education Academy Rep. By Auth. Sign. Sri Rajendra Singh Nayal And 3 Others .....Petitioner(s)

Versus

District Magistrate District Sitapur And 5 Others .....Respondent(s)

Counsel for Petitioner(s)	:	Manish Vaish
Counsel for Respondent(s)	:	Nishant Shukla

In Chamber

HON'BLE RAJAN ROY, J.
HON'BLE SUBHASH VIDYARTHI, J.

1. Heard.

2. This is a petition under Article 226 of the Constitution of India challenging an order dated 26.11.2025 passed by the District Magistrate, Sitapur in Case no.1179 of 2025 (Computerized Case No. D202510640001179) under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act, 2002). Other ancillary reliefs have also been sought by the petitioners.

3. A writ petition directly under Article 226 of the Constitution of India against such an order is not maintainable as held by a Co-ordinate Bench of this Court vide judgment dated 07.04.2023 passed in Writ C No.2119 of 2023; *Hindustan Petroleum Corporation Ltd. vs. Union of India and ors.* relying upon various decisions of Hon'ble the Supreme Court. The remedy is under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Infact, the pleadings reveal that proceeding under Section 17 of the aforesaid Act, 2002 were initiated by the petitioner/ borrower challenging the notice for possession and thereafter, an amendment application has also been filed on 15.12.2025 challenging the order which is impugned herein, meaning thereby, the validity of the said order is already in issue in the amendment application, which has not been allowed as yet.

4. We cannot interfere under Article 226 of the Constitution of India in these circumstances. We leave it open for the petitioner to pursue the remedy already available by moving an application for taking up the amendment application or the interim relief application, as the case may be, at an early date.

5. Subject to above, the writ petition stands **dismissed.**

(Subhash Vidyarthi,J.) (Rajan Roy,J.)

December 28, 2025
Arnima

Digitally signed by :-
ARNIMA SINGH
High Court of Judicature at Allahabad,
Lucknow Bench