



2026:AHC-LKO:2650-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL No. - 7 of 2026

Saurabh Pandey

.....Appellant(s)

Versus

U.O.I. Ministry Of Finance Deptt. Of Financial
Services Jeevan Thru. Secy. And 4 Others

.....Respondent(s)

Counsel for Appellant(s)	: Gaurav Gupta, Jyoti Rajpoot
Counsel for Respondent(s)	: A.S.G.I., Ashwani Kumar Singh, C.S.C., Chandra Shekhar Sinha, Kapish Srivastava

Court No. - 1

HON'BLE RAJAN ROY, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. Supplementary affidavit filed by the appellant is taken on record.
2. Vakalatnama filed by Shri Ashwani Kumar Singh, Advocate on behalf of Union of India- respondent no.1 and Shri Chandra Shekhar Sinha, Advocate on behalf of Union Bank of India- respondent no.3 are taken on record.
3. Heard learned counsel for the appellant, Shri Ashwani Kumar Singh, learned counsel for Union of India- respondent no.1, Shri Chandra Shekhar Sinha, learned counsel for Union Bank of India- respondent no.3 and learned Standing Counsel for State respondent no.5.
4. After hearing the parties what comes out is that the order dated 06.05.2025, which was under challenge before the writ court under Article 226 of the Constitution of India, was infact appealable under Section 18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, as it was an order passed in exercise of jurisdiction under Section 17 of the Securitisation and

Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and instead of preferring an appeal a writ petition was filed.

5. We have perused the impugned order. We find that in paragraph 6 there is a reference to statement made by the respondents before the writ court that the interim relief application had been rejected earlier, however, we find that there is no earlier rejection of the interim relief application. The only consideration is by the order dated 06.05.2025 and maybe thereafter, therefore, this recital is factually incorrect. It is the order dated 06.05.2025 which was under challenge. As regards the other statement made by the respondents before the writ court that earlier the recovery proceedings had been challenged by means of writ petition bearing Writ C No.5856 of 2025, we had summoned the records of the said writ petition, we find that what was under challenge therein was an order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 with an ancillary prayer not to disturb the peaceful possession of the petitioner over the mortgaged house till a particular date, therefore, both the statements appear to be factually incorrect. As regards the observations in the impugned order that the writ petition had been filed by the auction purchaser seeking possession, apparently, the right of the borrower, if any, will not be frustrated merely because any direction issued by the writ court in the petition filed by the auction purchaser, especially when the appellant was not heard in the said writ petition.

6. In any case we did not proceed any further for the reason the writ petition itself should not have been entertained because of availability of a statutory remedy. We, therefore, **dispose of** this appeal with the observation that the appellant herein may prefer an appeal against the

order dated 06.05.2025 and 29.07.2025 under Section 18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, if there is no other legal impediment in this regard, uninfluenced by any observations made by the writ court.

(Abdhesh Kumar Chaudhary,J.) (Rajan Roy,J.)

January 13, 2026

Arnima