



CGHC010352012026



2026:CGHC:39718

RUCHI
YADAV

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signed by
RUCHI YADAV

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 4616 of 2026****1 - Niraj Das S/o Late Nilamber Das Aged About 51 Years****2 - Dhiraj Das S/o Late Nilamber Das Aged About 48 Years****3 - Smt. Minati Das W/o Niraj Das Aged About 45 Years**

All are R/o 256/k, Lal Bahadur Shastri, Ward No. 08, Aama Guda Das Gali,
Police Station - Jagdalpur, District Bastar Chhattisgarh

... Petitioner(s)**versus**

**1 - State of Chhattisgarh Through Secretary, Revenue And Disaster
Management, Office S 3-23, Mahanadi Bhawan, Nawa Raipur, Atal Nagar,
District Raipur Chhattisgarh**

2 - Collector, Bastar District Bastar Chhattisgarh

**3 - D C B Bank Limited Through Its Authorised Signatory/ Power Of Attorney
Holder, Mr. Amiya Ranjan Behera, Legal Manager (Retail Agri.), Having One
Of Its Offices At Retail Asset Road, Opposite Khalsa School, Civil Lines,
Raipur, Chhattisgarh 492001**

... Respondent(s)**(Cause title taken from CIS Periphery)**

For Petitioner(s)	:	Mr. Adarsh Patel, Advocate
For State /Respondents No.1 and 2	:	Mr. Anmol Sharma, P.L.
For Respondent No. 3	:	Mr. Ajay Mishra, Advocate

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

10/09/2026

1. Heard.
2. The petitioners have filed the instant petition for following reliefs:-

“10.1 Hon'ble Court may kindly be pleased to issue a writ, order or direction, in the nature of certiorari or any other appropriate writ, restraining the Respondent No. 2, from passing any further or final order, for effecting physical possession of the Petitioners' residential property, till the appeal filed by the Petitioners before the Hon'ble Debt Recovery Tribunal, Jabalpur is effectively adjudicated on merits and final orders have been passed.

10.2. Any other relief, which this Hon'ble Court may, deems fit and proper may also be awarded to the petitioners including the cost of the petition.”

3. Learned counsel for the respective petitioners submits that, since the D.R.T., Jabalpur (M.P.) is presently not functioning, the petitioners are unable to avail the statutory remedy available to them under the SARFAESI Act, 2002. It is, therefore, submitted that the possession proceedings against the petitioners deserve to be stayed, as the petitioners cannot be left remediless on account of the non-functioning of the D.R.T., Jabalpur.
4. Learned counsel appearing for the respondent/Bank submits that, in view of the Gazette Notification dated 02.06.2026 issued by the Government of India, Ministry of Finance, the additional charge of the

Presiding Officer of D.R.T., Jabalpur has been assigned to the Presiding Officer, D.R.T.-2, Ahmedabad, for a period of six months or till the appointment of a regular incumbent or until further orders, whichever is earlier. It is further submitted that the Presiding Officer of D.R.T.-2, Ahmedabad has already been designated to discharge the additional charge of D.R.T., Jabalpur. Therefore, the petitioners have an efficacious alternative remedy and may be directed to approach D.R.T.-2, Ahmedabad for redressal of their grievances.

5. Having heard learned counsel for the parties and considering the aforesaid submission this Court perused the gazette notification dated 02.06.2026 which reads as under:-

“TO BE PUBLISHED IN PART I, SECTION 2 OF THE GAZETTE OF INDIA)

F.No. 07/10/2025-DRT
Government of India
Ministry of Finance
Department of Financial Service
New Delhi, dated the 03rd June, 2026

NOTIFICATION

In pursuance to DoP&T approval vide O.M No. 18/26/2021-EO(SM-II) dated 02.06.2026, the Central Government hereby entrusts the additional charge for the post of Presiding Officer for the following Debts Recovery Tribunals as below:-

S. No.	Name of Tribunal	Additional charge assigned w.e.f.	Additional charge assigned till	Additional charge to be assigned to Presiding Officer of the Tribunal
1	DRT, Ranchi	With immediate effect	08.09.2026 or till appointment of a regular incumbent or until further orders, whichever is the earliest.	Shri Anil Kumar Gupta, Presiding Officer, DRT-1, Ahmedabad

2	DRT, Jabalp ur	With immediate effect	For a period of six months or till appointment of a regular incumbent or until further orders whichever is the earliest	Shri Pankaj Kumar Upadhyay, Presiding Officer, DRT-2, Ahmedab ad
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Sd/-
(S.D Sharma)
Under Secretary to the Government of
India

To
The Manager
Government of India Press,
Minto Road,
New Delhi-110001

Copy to:

- 1. Presiding Officer, DRT-1, Ahmedabad
- 2. Presiding Officer, DRT-2. Ahmedabad
- 3. Registrars of Debts Recovery Tribunal, Ranchi and Debts Recovery Tribunal, Jabalpur with a request to place the notification on their notice board and a copy may also be sent to the Bar Association
- 4. Registrars of all DRTs and DRATs
- 5. The Pay & Accounts Officer, Ministry of Finance, Department of Economic Affairs, National Savings Organisation Building, Civil Lines, Nagpur.
- 6. The Pay & Accounts Officer (Banking), New Delhi.
- 7. Personal files.
- 8. Guard file.

Sd/-
(S.D Sharma)
Under Secretary to the Government of

India”

6. In view of the aforesaid notification, the petitioners have an efficacious remedy of approaching D.R.T.-2, Ahmedabad in respect of their grievance. Accordingly, the petitioners are granted ten days’ time from today to approach D.R.T.-2, Ahmedabad by filing appropriate proceedings, including applications for listing and interim relief, in accordance with law.

7. It is stated that the petitioners have already filed securitisation

applications along with applications seeking urgent hearing before the concerned Tribunal, which are yet to be considered. In the meantime, no coercive steps shall be taken against the petitioners for a period of ten days from today.

8. D.R.T.-2, Ahmedabad is directed to consider the petitioners' applications and pass appropriate orders thereon, in accordance with law, as expeditiously as possible, preferably within a reasonable period after their presentation.

9. With the aforesaid observations and directions, the instant writ petition stands **disposed of**. The petitioners shall be at liberty to avail all such remedies and file such applications before the competent D.R.T. as may be available to them in accordance with law.

10. It is made clear that the present order is being passed in the peculiar facts and circumstances of the case and shall not be treated as a precedent or as a routine order in future cases.

Sd/-

(Amitendra Kishore Prasad)

Judge