

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1610 of 2015

1. M/s Madhuban Vehicles And Fertilizers Private Limited Corporate Identity Number U50100c T2010p T C021984 (Incorporated Under The Companies Act 1956) Dhamda Road J V R A Sirsa Durg 491001 District Durg Through Director
2. Mithlesh Singh, S/o Shri Kamal Bhan Singh, Aged About 35 Years Director M/s Madhuban Vehiclesand Fertilizers Private Limited Mobile No. 09977301505 R/o Village Jevra Sirha Dhamdha Road Tahsil & District Durg Chhattisgarh
3. Kamal Bhan Singh, S/o Late Shri Gulab Singh, Aged About 65 Years R/o Village Jevra Sirha Dhamdha Road Tahsil & District Durg Chhattisgarh
4. Santosh Kumar Singh, S/o Shri Kamal Bhan Singh, Aged About 32 Years R/o Village Jevra Sirha Dhamdha Road Tahsil & District Durg Chhattisgarh
5. Smt. Sushila Devi Singh, W/o Shri Kamal Bhan Singh, Aged About 62 Years R/o Village Jevra Sirha Dhamdha Road Tahsil & District Durg Chhattisgarh

---- Petitioners

Versus

1. Honble District Magistrate Durg 491001 Collectorate Tah & District Drug Chhattisgarh
2. Authorized Officer, State Bank Of India Secured Creditor Enforcement Recovery, Branch Secor -1 Bhilai Nagar Tah & District Durg Chhattisgarh
3. Honble Tahsildar, Durg 491001, Tah & District Durg Chhattisgarh
4. Incharge Police Chowki, Jevra Sirsa Durg, Tah & District Durg Chhattisgarh

---- Respondents

For Petitioners	:	Shri V.G. Tamaskar, Advocate
For State	:	Shri B. Gop Kumar, Dy.A.G.
For respondent-Bank	:	Shri Abhishek Sinha, Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

09/05/2016

Heard.

1. On the last date of hearing, learned counsel for the petitioner sought time to file specific affidavit. Today, learned counsel for the petitioner draws attention of this Court to the additional submissions on affidavit that proper opportunity of hearing was not afforded to the petitioners.
2. Learned counsel for the respondent-Bank submits that even though a specific stand has been taken regarding petitioners having not suffered any prejudice, even if it is assumed that opportunity of hearing was not afforded, he submits that matter may be remanded to the District Magistrate to afford an opportunity of hearing to the petitioners and pass fresh order.
3. Considering the submissions made by learned counsel for the parties, it would be proper to direct the District Magistrate to afford an opportunity of hearing to the petitioners by fixing a date of hearing and pass fresh order in the matter in accordance with law. It goes without saying that earlier order dated 24.8.2015 shall not be given effect to.
4. The petitioners as well as respondent-Bank shall appear before the District Magistrate on **31st May, 2016** and, thereafter, the District Magistrate may fix the matter for hearing and pass appropriate order.
5. The respondent-Bank may be at liberty to pray for expeditious disposal of the matter keeping in view that matter involves recovery of public money and the District Magistrate shall also ensure that proceedings

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are expeditiously disposed off without granting unnecessary adjournment to the parties.

6. With the aforesaid observations/direction, the petition is finally disposed off.
7. Certified copy of the order by tomorrow.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen