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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.965 of 2016**

Smt. Draupadi Rathore W/o Shri Bhushan, Aged About 57 Years R/o Plot No. B- 29, Khanij Nagar, V.I.P. Road, Raipur, Tahsil And District Raipur (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Urban Administration And Development Department, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh)
2. The Commissioner, Municipal Corporation, Raipur (Chhattisgarh)
3. The Director, Nagar Tatha Gram Nivesh, Raipur (Chhattisgarh)
4. The Joint Director, Nagar Tatha Gram Nivesh, Raipur (Chhattisgarh)
5. Sanjay Bajpai Builders Private Limited, Through The Director-Sarita Bajpai W/o Late Sanjay Bajpai, Aged About 40 Years, R/o Third Floor, Krishna Complex, Jail Road, Raipur, District Raipur (Chhattisgarh)
6. Yogeshwar Shukla, The Director, R/o Third Floor, Krishna Complex, Jail Road, Raipur, District Raipur (Chhattisgarh)

---- Respondents**And****WPC No. 2217 Of 2016**

Smt. Ujjwala Hanmant Bagade W/o Hanmant Bagade, Aged About 44 Years R/o M I G D D Nagar, Sector- 08, Housing Board Colony, Saddu, Raipur, District Raipur, (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Accommodation And Environment, Mahanadi Bhavan, Mantralaya, New Raipur, Raipur, (Chhattisgarh)
2. Commissioner Cum Director, Nagar Tatha Gram Nivesh, Naya Raipur, District Raipur, (Chhattisgarh)

3. Collector, District Raipur, (Chhattisgarh)
4. Chief Executive Officer, Raipur Development Authority, Bhakt Mata Karma Parisar, New Rajendra Nagar, Raipur, District Raipur, (Chhattisgarh)
5. Municipal Corporation, Raipur, Through Its Commissioner, Raipur, (Chhattisgarh)
6. Sanjay Bajpai, Builders Private Limited, (New Swagat Vihar Project), Through - Its Managing Director, Smt. Sarita Bajpai, R/o 3rd Floor, Krishna Complex, Jail Road, Raipur, District Raipur, (Chhattisgarh)

---- Respondents

And

WPC No. 2322 Of 2016

Smt. Shailee Kesharwani W/o Bhupendra Kesharwani, Aged About 35 Years R/o C/o D. T. Bhagat, C- 228 Shailendra Nagar, Raipur, District Raipur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Accommodation And Environment, Mahanadi Bhavan, Mantralaya, New Raipur, Raipur, (Chhattisgarh)
2. Commissioner Cum Director, Nagar Tatha Gram Nivesh, Naya Raipur, District Raipur, (Chhattisgarh)
3. Collector, District Raipur, (Chhattisgarh)
4. Chief Executive Officer, Raipur Development Authority, Bhakt Mata Karma Parisar, New Rajendra Nagar, Raipur, District Raipur, (Chhattisgarh)
5. Municipal Corporation, Raipur, Through Its Commissioner, Raipur, (Chhattisgarh)
6. Sanjay Bajpai, Builders Private Limited, (New Swagat Vihar Project), Through - Its Managing Director, Smt. Sarita Bajpai, R/o 3rd Floor, Krishna Complex, Jail Road, Raipur, District Raipur, (Chhattisgarh).

---- Respondents

And

WPC No. 2219 Of 2016

Janak Lal Sevaiye S/o Hinchhe Lal Sevaiye, Aged About 42 Years R/o House No. 136, Metro Greens Colony, Saddu, Raipur, District Raipur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Accommodation And Environment, Mahanadi Bhavan, Mantralaya, New Raipur, Raipur, (Chhattisgarh)
2. Commissioner Cum Director, Nagar Tatha Gram Nivesh, Naya Raipur, District Raipur, (Chhattisgarh)
3. Collector, District Raipur, (Chhattisgarh)
4. Chief Executive Officer, Raipur Development Authority, Bhakt Mata Karma Parisar, New Rajendra Nagar, Raipur, District Raipur, (Chhattisgarh)
5. Municipal Corporation, Raipur, Through Its Commissioner, Raipur, (Chhattisgarh)
6. Sanjay Bajpai, Builders Private Limited, (New Swagat Vihar Project), Through - Its Managing Director, Smt. Sarita Bajpai, R/o 3rd Floor, Krishna Complex, Jail Road, Raipur, District Raipur, (Chhattisgarh)

---- Respondents

And

WPC No. 2218 Of 2016

Bipin Kumar Sahu S/o Manik Lal Sahu, Aged About 43 Years R/o M I G- II, 179, Sector- 3, Pandit Dindayal Upadhyay Nagar, Raipur, District Raipur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Accommodation And Environment, Mahanadi Bhavan, Mantralaya, New Raipur, Raipur, (Chhattisgarh)
2. Commissioner Cum Director, Nagar Tatha Gram Nivesh, Naya Raipur, District Raipur, (Chhattisgarh)
3. Collector, District Raipur, (Chhattisgarh)
4. Chief Executive Officer, Raipur Development Authority, Bhakt Mata Karma Parisar, New Rajendra Nagar, Raipur, District Raipur, (Chhattisgarh)

5. Municipal Corporation, Raipur, Through Its Commissioner, Raipur, (Chhattisgarh)
6. Sanjay Bajpai, Builders Private Limited, (New Swagat Vihar Project), Through - Its Managing Director, Smt. Sarita Bajpai, R/o 3rd Floor, Krishna Complex, Jail Road, Raipur, District Raipur, (Chhattisgarh)

---- Respondents

And

WPC No. 2215 Of 2016

Smt. Shakuntala Verma W/o Rajendra Prasad Verma, Aged About 52 Years R/o Opp. Shubh Kamna Hospital, Dubry Colony, Mowa, Raipur, District Raipur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Accommodation And Environment, Mahanadi Bhavan, Mantralaya, New Raipur, Raipur, (Chhattisgarh)
2. Commissioner Cum Director, Nagar Tatha Gram Nivesh, Naya Raipur, District Raipur, (Chhattisgarh)
3. Collector, District Raipur, (Chhattisgarh)
4. Chief Executive Officer, Raipur Development Authority, Bhakt Mata Karma Parisar, New Rajendra Nagar, Raipur, District Raipur, (Chhattisgarh)
5. Municipal Corporation, Raipur, Through Its Commissioner, Raipur, (Chhattisgarh)
6. Sanjay Bajpai, Builders Private Limited, (New Swagat Vihar Project), Through - Its Managing Director, Smt. Sarita Bajpai, R/o 3rd Floor, Krishna Complex, Jail Road, Raipur, District Raipur, (Chhattisgarh)

---- Respondents

And

WPC No. 2213 Of 2016

Smt. Madhu Goswami W/o Ved Puri Goswami, Aged About 49 Years R/o L I G 842, Opp. Balaji Mandir, Janta Colony, Gudiyari, Raipur, District Raipur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Accommodation And Environment, Mahanadi Bhavan, Mantralaya, New Raipur, Raipur, (Chhattisgarh)
2. Commissioner Cum Director, Nagar Tatha Gram Nivesh, Naya Raipur, District Raipur, (Chhattisgarh)
3. Collector, District Raipur, (Chhattisgarh)
4. Chief Executive Officer, Raipur Development Authority, Bhakt Mata Karma Parisar, New Rajendra Nagar, Raipur, District Raipur, (Chhattisgarh)
5. Municipal Corporation, Raipur, Through Its Commissioner, Raipur, (Chhattisgarh)
6. Sanjay Bajpai, Builders Private Limited, (New Swagat Vihar Project), Through - Its Managing Director, Smt. Sarita Bajpai, R/o 3rd Floor, Krishna Complex, Jail Road, Raipur, District Raipur, (Chhattisgarh)

---- Respondents**And****WPC No. 2526 Of 2016**

Anil Kumar Kadam S/o Late Manohar Rao Kadam, Aged About 45 Years R/o R & A Enterprises, Shop No 27, Naveen Bazaar, Phool Chowk, Raipur, District Raipur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Accommodation And Environment, Mahanadi Bhavan, Mantralaya, New Raipur, Raipur Chhattisgarh
2. Commissioner Cum Director, Nagar Tatha Gram Nivesh Naya Raipur Distirct Raipur Chhattisgarh
3. Collector, Distirct Raipur Chhattisgarh
4. Chief Executive Officer, Raipur Development Athority, Bhakt Mata Karma Parisar, New Rajendra Nagar Raipur, District Raipur Chhattisgarh
5. Municipal Corporation, Raipur Through Its Commissioner, Raipur Chhattisgarh
6. Sanjay Bajpai, Builders Private Limited (New Swagat Vihar Project), Through Its Managing Director Smt. Sarita Bajpai, R/o

3rd Floor, Krishna Complex, Jail Road, Raipur, District Raipur
Chhattisgarh

--- Respondents

For Petitioner : Mr. Ashish Gupta, Advocate
For State/Resp. : Mr. Dhiraj Wankhede, Govt. Advocate, Mr. Ashish Shrivastava, Mr. Soumya Rai, Mr. Pankaj Agrawal, Advocates

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

14/12/2017

(1) Learned counsel appearing for the petitioner would submit that issue raised in these writ petitions is covered by order dated 10.11.2017 of Division Bench passed in Writ Appeal No.248 of 2017 and other connected matters (**Hoshiyari Lal Agrawal Vs. State of Chhattisgarh & Others**) in which this Court has observed as under:-

“1. These Writ Appeals were entertained on certain limited issues. All these appeals stand with orders which state *inter alia* as follows:-

“In view of the judgment of the Hon'ble Supreme Court of India in **United Bank of India Vs. Satyawati Tondon and others, (2010) 8 SCC 110** we do not find any ground to entertain the appeal insofar as relief against action under the SARFAESI Act (Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002) has been refused. However, the appellant has raised other grounds in the writ petition, including by seeking relief against the State. Hence, this Writ Appeal is admitted without prejudice to contentions and the proceedings before the Debt Recovery Tribunal or other superior statutory authorities in accordance with the provisions of the SARFAESI Act and RDB Act (Recovery of Debt due to Banks and Financial Institutions Act, 1993).”

2. Today we have heard learned counsel for the appellants, the learned Government Advocate for the State and the learned counsel for other respondents. It is pointed out that on issues relating to questions other than SARFAESI Act, parties have common judgment in WPC 2009 & 2010 of 2015, as well as separate order in WPC-2027 of 2016 & 135 of 2017. It is submitted by the learned counsel for the appellants that these appeals may be closed without prejudice to the right of the appellants to avail the benefit of the aforementioned order.

3. We record the aforesaid submissions and accordingly order these writ appeals directing that the judgment impugned in these writ appeals will not stand in the way of the appellants utilising the benefit, if any, that may accrue in their favour as well, in terms of the common orders in WPC 2009 & 2010 of 2015 and WPC 2027 of 2016 & 135 of 2017. These Writ Appeals are ordered accordingly.”

(2) Accepting the submission of learned counsel for the parties, these writ petitions are disposed of in similar terms of order passed by Division Bench in the matter of **Hoshiyari Lal Agrawal** (supra).

Sd/-

(Sanjay K. Agrawal)
Judge

L/-