

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2515 of 2018

- Punjab National Bank, Main Branch Raipur, Lalganga City Mart, Moti Bagh Chowk, Raipur, District Raipur, Chhattisgarh Through Its Authorised Officer Kamlesh Chaudhary, S/o Shri Indaram Chaudhary, Aged About 37 Years, Presently Posted As Chief Manager As Well As General Power Of Attorney Holder

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Department Of Revenue, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, Chhattisgarh
2. Collector and District Magistrate, Raipur, District Raipur, Chhattisgarh
3. M/s Sharma Vin Trade Private Limited Through Nirmaleshwar Prasad Sharma S/o Shri Lokeshwar Prasad Sharma R/o 01/58, Pushpak Nagar, Bhilai, District Durg, Chhattisgarh
4. M/s Subhash Vin Trade Private Limited, Through Shri Ummed Singh (Director), Having Office At 5 Floor, Ozone Tower, Fafadih Chowk, Raipur, Chhattisgarh
5. Tehsildar, Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioner

Shri Harsh Wardhan, Advocate

For Respondent-State

Shri Rajendra Tripathi, PL

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

17/09/2018

1. It appears, despite having passed the order under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 on 12.06.2017, the order has not been given effect to by doing all consequential

acts. By Annexure-P-3, the Additional Tehsildar, Raipur has further communicated to Mal Jamadar, Tehsil Office, Raipur, but the actual physical possession of the property has not been handed over to the petitioner.

2. Learned counsel for the petitioner would submit that the order passed by the District Magistrate has attained finality, as the same was never assailed before this Court or any other jurisdictional Forum, yet possession of the stressed property has not been handed over to the petitioner.
3. Considering the order (Annexure-P-2) passed by the District Magistrate, Raipur under Section 14 of the Act, 2002, the writ petition is disposed of with direction to the District Magistrate, Raipur to take all necessary steps for handing over the actual physical possession of the stressed property to the petitioner within a period of 1 month from the date of submission of certified copy of this order.

Sd/-
Prashant Kumar Mishra
Judge