

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C) No. 1312 of 2019

Smt. Keshri Devi Sahu, W/o. Shri Lalit Kumar Sahu, Aged About 38 Years,
R/o. H.No.52/300, Navdurga Nagar, Mathpurena, Police Station-
Mathpurena, Tahsil And District- Raipur, Chhattisgarh.

---- Petitioner

Versus

1. India Info Housing Finance Limited, Through – Branch Manager, 1st Floor,
Lal Ganga City Mart, Banjari Chowk, Opp. Hotel Amit Regency, District-
Raipur, Chhattisgarh.
2. State Of Chhattisgarh, Through Collector, District- Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. K.P.S.Gandhi, Advocate
For State/Respondent No.2.	:	Mr. Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.05.2019

Heard

1. The present petition is filed on the ground that the petitioners have availed the housing loan limit from the respondent No.1 and thereafter the husband of the petitioner L.K.Sahu has met with an accident and therefore they could not repay the loan on time. Therefore the loan became irregular and eventually the Bank took possession of the house of the petitioner along-with the goods kept inside the house and they were not allowed to take their personal belongings also.
2. It is stated that the petitioner by a communication dated 31.07.2018 has written to the Collector and the Collector in turn by communication dated 07.08.2018 has directed the Bank to decide the application of the petitioner. It is submitted that the said issue still remains undecided, therefore, the respondents may be directed to decide the representation of the petitioner.

3. Primary reading of the case would show that it is a case of default in payment of loan. The Bank acted in exercise of power under the Securitisation & Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002 (*for short "SARFAESI Act"*) and has taken possession of the house. The petitioner contends that the house hold goods such as Fridge, Sofa Set, Washing Machine, Computer etc. were also under the lock & key; therefore, the communication was made to the Collector and the Collector in turn gave a letter to the Bank to decide the issue of the petitioner.
4. In the facts of this case, no order can be passed by this Court, if physical possession of house wherein charge was created for the goods inside the house, namely the personal belongings i.e. bed, shofa along with all articles etc. panchnama must have been prepared. The petitioner may claim back their belonging from those persons. If some shortcoming comes to fore, it has to be adjudicated in other forum. In exercise of writ jurisdiction such question of facts cannot be gone into.
5. The petitioner if so adviced may avail all other remedy for redressal of her grievance before the competent Court of law.
6. With such observation, the petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge