

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 627 of 2020**

Ambika Industrial Training Institute (I.T.I.) Bhagwanpurkhurd, Ambikapur District Surguja Chhattisgarh Through Ravi Kumar Soni S/o Shri Gautom Soni, Aged About 36 Years Occupation The Principal, Ambika Industrial Training Institute (Iti), Bhagwanpurkhurd, Ambikapur District Surguja Chhattisgarh

---- Petitioner

Versus

1. Punjab National Bank Branch Raigarh Chhattisgarh, Through The Branch Manager Shri Ritesh Kumar Patel S/o Y.S. Patel R/o Punjab National Bank, Anathalaya Marg Raigarh District Raigarh Chhattisgarh
2. The Director Directorate Employment And Training, Raipur Chhattisgarh
3. The Collector / District Magistrate Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
4. M/s S.S. Infra Build (Purchaser In Auction) Through The Manager Punjab National Bank, Branch Raigarh, District Raigarh Chhattisgarh
5. M/s Jai Bajrang Alloys And Chemicals Satyam Mahamaya Road Ambikapur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
6. Shri Satish Agrawal S/o Late Shri Roshan Lal Agrawal (Partner) M/s Jai Bajrang Alloys And Chemicals R/o Village Anujnagar, Post Latori, Tahsil And District Surajpur Chhattisgarh
7. Shri Radhakishan Mangal S/o Budhram Mangal (Partner) M/s Jai Bajrang Alloys And Chemicals R/o 0/20 Civil Tounship, Raurkela District Sundergarh (Orrisa)., District : Sundargarh, Orissa
8. Anil Kumar Mangal S/o Budhram Mangal (Partner) M/s Jai Bajrang Alloys And Chemicals, 0/20 Civil Tounship, Raurkela District Sundargarh (Orrisa)., District : Sundargarh, Orissa
9. Shri Mukesh Agarwal (Guarantor) M/s Jai Bajrang Alloys And Chemicals, Satyam Mahamaya Road Ambikapur, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh
10. Shri Satish Agrawal S/o Shri Pannalal Agrawal (Guarantor And Mortgager) Through Pramod Medical Agency, Bidpara District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

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For Petitioner	:	Mr. Vipin Tiwari, Advocate
For State	:	Ms. Abhyunnati Singh, PL

Hon'ble Shri Justice P. Sam Koshy
Order on Board

13/02/2020

1. The relief sought for in the present writ petition is for an appropriate direction to the respondent No.1, 3 & 4 from initiating appropriate proceedings against the petitioner whereby they would be dispossessed from the present building from where they are running an ITI.
2. Perusal of the record would show that respondent No.5 to 8 were borrowers of the respondent No.1 Bank. Subsequently, there was a default in their part in discharging their obligations. Later on, Bank had initiated proceedings under Section 13 of the Securitization Act and subsequently the Bank had moved an application under Section 14 of the Sarfaesi Act before the Collector cum District Magistrate, Ambikapur and Collector finally vide order dated 02.12.2019 Annexure P-1 has passed an order under Section 14(1) of the said Act directing the borrowers to hand over the peaceful possession of the said property to the respondent No.1 Bank.
3. Contention of the petitioner is that they had taken the disputed premise on lease for running an ITI and said institution is being operated on payment of monthly rent at the rate of Rs. 5000/- per month with 5% yearly increase on the same to the respondent No.9. Grievance of the petitioner now is that petitioners would be put in a irreparable loss if the possession of the property is taken over by the respondent No.1 Bank and petitioner as such would find it difficult to operate the said institution.

4. At the outset, this Court is of the opinion since the order under Section 14 is one which has been passed by the District Magistrate after due process of law the remedy available to the petitioner if any would be to approach the concerned Debts Recovery Tribunal. The law in this field also is well settled that against the proceeding drawn under Section 13 or under Section 14 the High Courts would not normally interfere.
5. Recently, this Court had an occasion dealing with the said matter in the case of **Saurabh Jaiswal & Anr. Vs. Bank of Baroda & Others** decided on 22.01.2020 wherein it was held that writ petitions against the order passed under Section 14 of the Sarfaesi Act would not be maintainable.
6. The view of the Court was based upon the judgment of the Supreme Court in the case of **United Bank of India Vs. Satyawati Tandon & Others, (2010) 8 SCC 110** and also in the case of **Kanhaiyalal Lalchand Sachdev & Others Vs. State of Maharashtra & Others, (2011) 2 SCC 782** and more recently the decision of the Supreme Court in the case of **Authorized Officer, State Bank of Travancore & Anr. Vs. Mathew K.C., (2018) 3 SCC 85** and which again was reiterated in the case of **Hindan Forge Private Limited & Anr. Vs. State of U.P. and Anr. (2019) 2 SCC 198**
7. Given the facts and circumstances of the case, this Court is of the opinion that the present writ petition therefore would not be maintainable and same therefore stands dismissed. However, right of the petitioner remains open for availing remedy open to them under the provisions of the Section 17 of the Said Act.

Sd/-
(P. Sam Koshy)
Judge