

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 801 of 2020**

Smt. Shashi Upadhyay W/o Late Shri Suman Kumar Upadhyay Aged About 65 Years R/o H. No. 608, Near Kishor Hotel, Sundar Nagar, Raipur, District- Raipur, Chhattisgarh. 492013

---- Petitioner**Versus**

1. Oriental Bank Of Commerce, RPL Cluster, Jeet Tower, 2nd Floor Opposite Rajkumar College, Raipur, 492001, Chhattisgarh. Through Its Authorised Officer
2. District Collector Raipur, Chhattisgarh, District- Raipur, Chhattisgarh
3. Saurabh Upadhyay S/o Late Shri Suman Kumar Upadhyay Aged About 46 Years R/o H. No. 608, Near Kishor Hotel, Sundar Nagar, Raipur, District- Raipur, Chhattisgarh
4. Neha Upadhyay W/o Shri Saurabh Upadhyay Aged About 38 Years R/o H. No. 608, Near Kishor Hotel, Sundar Nagar Raipur, District- Raipur, Chhattisgarh. 492013

---- Respondents

For Petitioner	:	Mr. Mayank Chandrakar, Advocate
For State	:	Mr. Shubham Verma, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****05/03/2020**

1. The relief sought for in the present writ petition is for quashment of Sale certificate issued by respondent No.1 dated 23.10.2019.
2. Perusal of the pleading would show that prior to the sale certificate being issued on 23.10.2019 the petitioner had approached the concerned Debts Recovery Tribunal, Jabalpur by vide MA No.134/2019. The MA subsequently been dismissed vide order dated 07.01.2020. Though, the order of the DRT was passed on

07.01.2020, the present writ petition has now been filed after 1 ½ years on 19.02.2020 before this Court.

3. This Court at the outset, is not inclined to entertain the writ petition for the reason that order passed by the DRT is an appealable to the DRAT. The petitioner having first resorted to statutory remedy available to him should have resorted to further remedy of appeal available under the Act to the petitioner on the said subject matter.
4. Reserving the right of the petitioner to approach the DRAT, challenging the order of the DRT, this Court is of the opinion that writ petition being devoid of merits stands rejected.

Sd/-
(P. Sam Koshy)
Judge

Rohit