

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 1081 OF 2020**

1. Smt. Rekha Singh W/o Shri Brijesh Kumar Singh Rajput, Aged About 48 Years R/o Mugdha Parisar, Kurud Road, Near Hanuman Mandir, Kohka, Thana Supela, Bhilai, District - Durg Chhattisgarh. Pin 490023.
2. Brijesh Kumar Singh Rajput S/o Late Shri Jaleb Singh Rajput, Aged About 54 Years, R/o Mugdha Parisar, Kurud Road, Near Hanuman Mandir, Kohka, Thana Supela, Bhilai, District - Durg Chhattisgarh. Pin 490023.
3. Satyakam Singh S/o Shri Khamman Singh Rajput, Aged About 43 Years R/o Village Tarkori, P.O. Mohrenga, Thana Dhamdha, District – Durg (CG)

... Petitioners**versus**

1. Bank of Baroda (earlier Dena Bank), through its Branch Manager & Authorised Officer, Bank of Baroda, Berla Branch, Berla, District Bemetara (CG)
2. The District Magistrate, Durg, District Durg (CG)

... Respondents

For Petitioner	:	Mr. R.B. Sharma, Advocate.
For Respondent No.1	:	Mr. Vinod Deshmukh, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****26/05/2020**

1. Challenge in the present Writ Petition is to the Order dated 30.3.2020 passed by the District Magistrate, Durg, under Section 14 of the SARFAESI Act.
2. At the outset, this Court is of the opinion that the present Writ Petition as such would not have been maintainable before this Court in view of the fact that the Order under challenge is one which has been challenged before the Debt Recovery Tribunal having jurisdiction.
3. At this juncture, learned Counsel for the Petitioner submits that the Petitioner has already availed the said remedy available to him, however, since the said Tribunal is not functional because of the lockdown situation at Jabalpur which is red zone, the matter could not be taken up and therefore the Petitioner has approached this Court for invoking the writ jurisdiction.
4. Further contention of the learned Counsel for the Petitioner is that in the event if the Tribunal at Jabalpur is not functional and the matter is not taken up for hearing, the Petitioner would be put to a substantial irreparable loss, and therefore, the High Court may protect the interest of the Petitioner till the period the Tribunal at Jabalpur becomes functional.

5. The said request made by the Petitioner seems to be just, fair and reasonable. In the opinion of this Court, the Petitioner cannot be left remediless, particularly when there are statutory remedies available to him and he cannot be deprived of the same because of the ongoing lockdown situation due to COVID-19.

6. Given the aforesaid facts and circumstances of the case, this Court is of the view that since the Petitioner has approached the Debt Recovery Tribunal at Jabalpur, the present Writ Petition would not be maintainable before this Court. However, since the Debt Recovery Tribunal at Jabalpur is not functional, it is ordered that till the said Tribunal becomes functional and the case of the Petitioner is taken up for hearing by the said Tribunal, let *status quo* as it exists today in respect of the property be maintained by all the parties till such time the Debt Recovery Tribunal at Jabalpur becomes functional.

7. The Writ Petition accordingly stands disposed of with the aforesaid observation/direction.

/sharad/

**Sd/-
(P. Sam Koshy)
JUDGE**