

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 2338 of 2020**

M/s Kan Power Rubber Industries Through- Proprietor- Tarun Pugaliya, S/o Vimal Chand, Age - 40 Years, R/o- C-402, Karsan State, Fafdihi, Raipur, District- Raipur, Chhattisgarh, At Presently R/o- C- Wing, Crystal Plaza, Opp. Infinity Mall Andheri (W), Mumbai (Maharashtra)

---- Petitioner**Versus**

1. Bank Of India Through- Branch Manager, Devendra Nagar Branch, Shop No. 81-83, Shopper Paradise (Surana Complex) Near City Center Mall, Pandari, Raipur, District Raipur, Chhattisgarh
2. The Collector/Prescribed Authority (Under SARFAESI Act 2013) Raipur, District Raipur, Chhattisgarh
3. The Tehsildar Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Amit Sharma, Advocate
For Respondent No.1/Bank	:	Mr. Anand Shukla, Advocate
For State	:	Mr. Siddharth Dubey, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****27/10/2020**

1. The challenge in the present writ petition is to the notice Annexure P/1 dated 17.07.2020 passed by the Tehsildar, Raipur calling upon the petitioner to handover physical possession of the property which stood mortgaged with the respondents.
2. At the outset, this Court is of the opinion that the writ petition would not be maintainable for the reason that the impugned notice issued by the Tehsildar is one which has been passed pursuant to an order passed by the District Magistrate, Raipur dated 13.01.2020 under Section 14 of the SARFAESI Act, 2013.
3. Learned counsel for the Bank further submits that the physical

possession of the said property has been subsequently taken on 08.10.2020. Meanwhile, the property has also been put to auction and the auction sale also has been finalized and the sale certificate also was issued. The auction was conducted on 31st of August, 2020 and the sale certificate was issued on 17.10.2020.

4. In view of the fact that none of the proceedings and order passed earlier to the notice under challenge in this petition being challenged and also taking note of the subsequent developments that have transpired pursuant to Annexure P/1 being issued, this Court is of the opinion that the writ petition at this juncture would not be maintainable. Reserving the right of the petitioner to avail other appropriate remedy open to him, the writ petition at this juncture stands rejected as not maintainable.

Sd/-
(P. Sam Koshy)
Judge

Ved