

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WP227 No. 674 of 2018**

- M/s R.K. Constructions Through Its Proprietor Vikas Kumar Jain, S/o Late R.K.Jain, Aged About 57 Years, Office Address Shop No. 311-312, 3rd Floor, Lal Ganga Shopping Mall, G.E. Road, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Revenue Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. The District Collector And District Magistrate Raipur, District Raipur Chhattisgarh.
3. Superintendent Of Police, Raipur, District Raipur Chhattisgarh.
4. Tehsildar, Raipur, District Raipur Chhattisgarh.
5. J.M. Financial Asset Reconstruction Company Pvt. Ltd. 3<sup>rd</sup> Floor, B-Wing, Shubhashis I.T. Park, Plot No. 68E, Dattapada Road, Opposite Tata Steal, Mumbai (Maharashtra) Through its Authorized Officer - Vivek Mehra, Aged 40 Years, S/o Shri Vijay Mehra.
6. UCO Bank, Through its Branch Manager, Office Address UCO Bank Head Branch, K.K. Road, Raipur, Chhattisgarh.

**---- Respondent**

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| For petitioner  | : | Mr. Malay Shrivastava, Advocate. |
| For respondents | : | Mr. Adil Minhaj, Govt. Advocate. |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**12/02/2020**

1. Heard on the maintainability of the petition.
2. The petition has been filed challenging the order of District Collector (respondent No.2) passed under the provision of Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (for short 'SARFAESI Act, 2002') for taking possession of the assets of the petitioners.

3. The Supreme Court has settled this issue in the case of M/s Hindon Forge Pvt. Ltd. & another Vs. The State of Uttar Pradesh through District Magistrate Ghaziabad & another{ 2018 (14) SCALE 543} that the jurisdiction to challenge such order is present with DRT(Debts Recovery Tribunal) under Section 17 of the SARFAESI Act, 2002. Therefore, the petition under Article 227 of Constitution of India is not maintainable.
4. The petitioner is at liberty to file petition to avail the power under the provision of SARFAESI Act, 2002 before DRT.
5. Accordingly, the petition is disposed off.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge

Nisha