

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1523 of 2021

- Rai Singh Thakur S/o Late Bhagwani Thakur Aged About 60 Years R/o Village- Tarod, Tahsil And District- Balod (Chhattisgarh)

---- Petitioner

Versus

1. District Magistrate Raipur Distt.- Raipur (Chhattisgarh)
2. Naib Tahsildar Raipur, Distt.- Raipur (Chhattisgarh)
3. Punjab National Bank Housing Finance Limited Through Authorized Officer, First Floor, D.B. City, Rajbandha Maidan, Tahsil And District- Raipur (Chhattisgarh)
4. M/s R.K. Constructions Proprietor Vikas Jain, S/o Late R.K. Jain, Shop No. 311- 312, 3rd Floor, Lalganga Shoping Mall, G.E. Road, Raipur, Distt.- Raipur (Chhattisgarh)
5. Smt. Suman Devi W/o Shri Rajesh Tahliyani R/o House No.-K-16, Anupan Nagar, District Raipur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Anand Shukla, Advocate
For Respondent/ State	:	Shri P. Acharya, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12.03.2021

Heard.

1. The challenge in this petition is to the memo dated 21.12.2020 whereby the possession of the petitioner is sought to be removed pursuant to the order passed by the District Magistrate on 17.04.2017 (Annexure P-1).
2. Perusal of initial order dated 17.04.2017, would show that it was barred under Section 14 of the SARFAESI Act, pursuant to the recovery proceeding under Section 13 (2) of the SARFAESI Act. He further submit that the petitioner is a bonafide purchaser and by playing fraud two sale deeds were executed and one was executed in the name of Gopichand Krishnani who

never obtained loan, therefore, it is for the seller who has played the fraud and the petitioner was not aware of the order dated 17.04.2017.

3. In any case the petitioner has to approach the appellate jurisdiction under Section 17 of the SARFAESI Act. Considering the same, I am not inclined to allow this petition. However, the petitioner may avail the remedy available to him before the concerned DRT within a period of 3 weeks from today, till then considering the background, the possession of the petitioner shall not be disturbed pursuant to order dated 17.04.2017. It is made clear that this Court has not expressed any opinion on the merits of the case.
4. With the aforesaid observation/ direction, the writ petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti