

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(C) No. 4265 of 2021

1. Maroof Motors Through Its Proprietor, Shri Shaikh Hadi, Aged About 45 Years, R/o Panchsheel Nagar, BMY, Charoda, Bhilai, District Durg Chhattisgarh.
2. Shri Shaikh Maroof S/o Shri Hassan Shaikh Aged About 40 Years R/o Panchsheel Nagar Bmy, Charoda, Bhilai, District Durg Chhattisgarh.

---- Petitioners

Versus

1. Uco Bank Through Its Authorised Officer, Having Its Office At, Charoda, Satyam Complex, G.E. Road, BMY Charoda, District Durg 4900025, Chhattisgarh.
2. District Magistrate District Durg Chhattisgarh.
3. Naib Tehsildar Bhilai - 3, District Durg Chhattisgarh.
4. The Tehsildar Patan, District Durg Chhattisgarh.

---- Respondents

For Petitioner	: Shri Ankit Singhal, Advocate
For Respondent No.1	: Shri P.R. Patankar, Advocate.
For Respondent/ State	: Shri Ashish Tiwari, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26.10.2021

Heard on petition.

1. It is submitted by counsel for the petitioners that the petitioners are borrowers of respondent No.1. Respondent No.1 has proceeded recovery for loan against the petitioners under the provisions of SARFAESI Act. Consequent to the order in that proceeding, respondent No.2 has passed the order on 21.6.2021 vide Annexure-P/3 authorizing respondent No.3 to proceed for taking possession over the mortgaged property. The petitioner then filed an application under Order VI Rule 17 of the CPC and also an application before the DRT praying for stay of the effect and operation of the order dated 21.6.2021, passed by the District Magistrate i.e. respondent No.2. This application is pending.

The matter was listed before the DRT on 27.9.2021 but hearing on the application was postponed. Subsequent to that, respondent No.3 has proceeded in compliance of that order. At present, the seat of the Presiding Officer of the DRT is vacant. Hence, it is prayed that the petition be allowed and the interim relief be granted to the petitioners.

2. Learned State counsel opposes the submissions. It is submitted that respondent No.3 has proceeded further on the notice issued to the petitioner. Time of only 10 days was granted by respondent No.3 at first and when the same was brought to respondent No.3 and then, time of 20 days has been granted. It is further submitted that in case interim order is granted to the petitioner, then he is directed not to seek unnecessary adjournments before the DRT.
3. After considering on the submissions, the petition is disposed of at motion stage. It is ordered that the proceedings, if any, initiated on the order of respondent No.2 dated 21.6.2021 shall remain stayed until the vacancy in the DRT, Jabalpur is fulfilled and the application for stay is decided by that authority. The petitioner is also directed to not to take any unnecessary adjournments before the learned DRT.
4. With the aforesaid direction, this petition is disposed of.

Sd/-

(Rajendra Chandra Singh Samant)
Judge