

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C.) No.4339 of 2021

1. Raju Khan S/o Shri Aphak Hussain Aged About 45 Years R/o Occupation Business, R/o House No. 145, Road No. 03, Ward No. 08, Sunder Nagar Kohka Bhilai, District Durg Chhattisgarh
2. Sayyed Arif Hussain S/o Shri Aphak Hussain Aged About 42 Years Occupation Business R/o House No. 145, Road, No. 03, Ward No. 08, Sunder Nagar Kohka Bhilai, District Durg Chhattisgarh

---- Petitioners

Versus

1. District Magistrate/ Collector Durg, District Durg Chhattisgarh
2. The Authorized Officer Bhilai Nagarik Sahakari Bank Maryadit, Akanksha Bhawan, Sector - 6 Bhilai Nagar, District Durg Chhattisgarh
3. The Branch Manager Bhilai Nagarik Sahakari Bank Maryadit, Akanksha Bhawan, Sector - 6 Bhilai Nagar, District Durg Chhattisgarh

---- Respondents

For Petitioners	– Mr. Sunil Sahu, Advocate.
For State	– Mr. Sudeep Agrawal, Dy. A.G.

S.B.- Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-10-2021

Heard.

1. This petition has been brought being aggrieved by the order dated 30.09.2021 passed by the District Magistrate Durg in Case no.69/B-121/ year 2020-21 under the provisions of Section 14 of SARFAESI Act. The remedy is available to the petitioner under the provisions of SARFAESI Act before DRT Jabalpur. The petitioner has also filed an appeal before DRT Jabalpur along with application for grant of stay but for the reason that the seat of the presiding officer of DRT Jabalpur is vacant because

of which this petition has been brought before this Court. It is prayed that interim relief be granted to the petitioner.

2. Learned State counsel representing respondent No.1 has opposed the submissions.
3. After considering on the submissions, the petition is disposed off at the motion stage.
4. Taking into consideration that the seat of presiding officer of the DRT Jabalpur is vacant before which petitioner has the statutory remedy available. Hence, for these reasons, it is ordered that the status quo as of today shall be maintained by the respondents until the decision of the application of stay by the DRT Jabalpur after the functioning of the same has started subsequent to appointment of the presiding officer.
5. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika