

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 650 of 2021**

- Smt. Sushama Jaiswal W/o Awadhesh Jaiswal Aged About 52 Years R/o Kanya Parishar Road Gangapur Khurd Ambikapur Distt.- Surguja (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through - The Secretary, Department Of Revenue Mahanadi Bhawan, New Raipur, Distt.- Raipur (Chhattisgarh)
2. The Collector Surguja, Ambikapur, Distt.- Surguja (Chhattisgarh)
3. The Tahsildar Ambikapur, Distt.- Surguja (Chhattisgarh)
4. The Manager, Bank Of India Namnakala Branch, Namnakala, Ambikapur, Distt.- Surguja (Chhattisgarh)

---- Respondents

For Petitioner : Shri A.N. Pandey, Advocate

For Respondents/State : Shri Gagan Tiwari, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****10/02/2021**

1. Heard.
2. Challenge in this petition is to the notice served to the petitioner on 08.02.2021 whereby the petitioner has been asked to vacate the house situated over Khasra No.202/16 at Kanya Parishar Road, Gangapur Khurd Ambikapur, District Sarguja, C.G.
3. Learned counsel for the petitioner would submit that the husband of the petitioner is absconding and against whom the order under Section 14 of the

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the SARFAESI Act) was passed on 02.12.2014 and the petitioner was not served with any notice and for the first time she was served with a notice dated 08.02.2021. He would further submit that for the fact that the husband of the petitioner is absconding, no challenge was made and the petitioner would be the actual aggrieved party, therefore, she may be given some time to avail the alternative remedy under the SARFAESI Act.

4. Considering the limited prayer, without any observation on merits and the fact that because of the pandemic, the Courts were not in the normal mode of functioning, it is observed that the petitioner may avail the necessary remedy before the appropriate forum under Section 17 of the SARFAESI Act within a period of three weeks from today. Till then the petitioner shall not be forcefully evicted from her house.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu