

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 5006 of 2021

1. Rajendra Kumar Mahilange S/o Dharamdas Mahilange Aged About 40 Years R/o Anant Vihar Colony, Daldal Seoni Raod, Mova, Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
2. Smt. Savita Mahilange W/o Rajendra Kumar Mahilange Aged About 36 Years R/o Anant Vihar Colony, Daldal Seoni Raod, Mova, Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---Petitioner(s)

Versus

1. Branch Manager I.I.F.L. Home Finance Ltd. Branch Office- First Floor, Lal Ganga, City Mart, Banjari Chowk, Infront Of Hotel Amit Raipur, Tahsil And District- Raipur, Chhattisgarh.
2. Head Office- I.I.F.L. House Sun Infotech Park, Road No. 16 Th Plot No. B-23, Midc Thane Industrial Area, Bagle Estate, Thane Maharashtra- 400604
3. State of Chhattisgarh, Through Collector, Raipur, District- Raipur, Chhattisgarh.
4. Tahsildar, Raipur, District- Raipur, Chhattisgarh.

---Respondents

For Petitioners	:	Shri Rekhraj Baghel, Advocate.
For State	:	Ms. Shriya Mishra, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.12.2021

1. The petitioner seems to be aggrieved by the order passed by the District Magistrate, District Raipur dated 23.08.2021 whereby there is an order under Section 14 of The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, ordering to take possession of the petitioner's property.
2. It has been informed by the counsel for the petitioner that against the said order of the Collector dated 23.08.2021 the petitioner has already preferred a Second Appeal before the Debts Recovery Tribunal, Jabalpur (in short, DRT, Jabalpur) on 25.11.2021, however, on account of non availability of the Presiding Officer at DRT, Jabalpur, the case is not being taken up for grant of any interim relief or for further hearing by the Tribunal.

It is for this reason that the petitioner has approached this court for providing appropriate remedies. The petitioner relied upon a recent judgment passed by the co-ordinate Bench of this High Court in WPC No.4339 of 2021.

3. Taking into consideration the entire facts and circumstances of the case particularly visualizing the fact that the DRT, Jabalpur is not functioning on account of non availability of a regular Presiding Officer, the petitioner's application filed before the DRT is not being taken up for hearing and if the petitioner's application is not taken up for hearing within a reasonable time the petitioner's interest would be severally prejudiced and it would amount to the petitioner being left remedy less for redressal of their grievances.
4. Given the facts and circumstances of the case, it is ordered that let status quo as it exist today so far as the possession of the property is concerned be maintained by the petitioners as well as by the respondents until a regular appointment has been made in the DRT, Jabalpur and cases at DRT, Jabalpur is taken up for regular hearing.
5. With the aforesaid direction, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge