

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (CIVIL) NO. 5204 OF 2021**

- Smt. Padma Kriplani, W/o Shri Bhojram Kriplani, aged about 62 Years, R/o Ratakhari Korba, District Korba (C.G.)

... Petitioner**versus**

1. State of Chhattisgarh, through the Collector, Rajnandgaon, District Rajnandgaon (C.G.)
2. Kotak Mahendra Bank, through Branch Manager, Office Second Floor, Siddhi, Vinayak Complex, Shivananji Cross Road, Ahmadabad (Gujrat)
3. Rajesh Nagwani, S/o Late Gagandas Nagwani, aged about 59 years, R/o Chikhali, Ward No.6, Rajnandgaon, District Rajnandgaon (CG)
4. Rohit Nagwani, S/o Rajesh Nagwani, aged about 34 years, R/o Chikhali, Ward No.6, Rajnandgaon, District Rajnandgaon (C.G.)

... Respondents

For Petitioner	: Mr. Rakesh Kumar Thakur, Advocate.
For Respondent 1	: Mr. Rahul Jha, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****[16/12/2021]**

1. Challenge in the present Writ Petition seems to be the initiation of the proceeding under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Act, 2002 by the District Magistrate, Rajnandgaon.
2. At the outset, this Court is of the opinion that relief sought for by the Petitioner in the instant case is not the one which can be granted by the Writ Court, particularly where there are Forums available for the Petitioner i.e. by approaching the concerned Debt Recovery Tribunal for ventilating her grievances.
3. In view of the fact that there is an alternative mechanism available to the Petitioner and the Petitioner also having approached the Civil Court by filing a Civil Suit before the Civil Judge, Class-II, Rajnandgaon and where the Civil Suit is still pending, the present Writ Petition for the same cause of action and for the same relief would also not be maintainable.

4. Writ Petition accordingly stands disposed of, reserving the right of the Petitioner to avail such remedy available to her under the law.

**Sd/-
(P. Sam Koshy)
Judge**

/sbarad/