CGHC010359892026 2026:CGHC:42994

**NAFR**

# HIGH COURT OF CHHATTISGARH AT BILASPUR

**WPC No. 4822 of 2026**

**1 -** Chirag Mandavi S/o Shri Ram Singh Mandavi Aged About 43 Years R/o Flat No. 309, Third Floor, Block No. 3, Juhi Apartment, Diven City, Talpuri, Distt. Durg, Chhattisgarh.

RAVVA UTTEJ KUMAR RAJU Digitally signed by RAVVA UTTEJ KUMAR RAJU Date: 2026.10.06 18:31:05 +0530

**2 -** M/s Mandavi Poultry Farm Through Its Proprietor Shri Chirag Mandavi, R/o Flat No. 309, Third Floor, Block No. 3, Juhi Apartment, Diven City, Talpuri, Distt. Durg, Chhattisgarh.

**3 -** Shri Ramsingh Mandavi S/o Shri Bharat Mandavi Aged About 75 Years R/o Flat No. 309, Third Floor, Block No. 3, Juhi Apartment, Diven City, Talpuri, Distt. Durg, Chhattisgarh.

**4 -** Shri Ashok Kumar S/o Shri Uday Ram Dhruv Aged About 72 Years R/o House No. 827, Shakti Nagar, Durg, Tehsil And Distt. Durg, Chhattisgarh.

**... Petitioners**

**Versus**

**1 -** State of Chhattisgarh Through The Secretary, Home Department, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Distt. Raipur, Chhattisgarh.

**2 -** The District Magistrate Durg, Distt. Durg, Chhattisgarh.

**3 -** The Authorized Officer Punjab And Sind Bank, Branch K.K. Road, Raipur, Tehsil And Distt. Raipur, Chhattisgarh.

**4 -** The Branch Manager Punjab And Sind Bank, Branch K.K. Road, Raipur, Tehsil And Distt. Raipur, Chhattisgarh.

**... Respondents**

**(Cause title is downloaded from CIS Periphery.)**

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| For Petitioners | **:** | Mr. Sanjay Kumar Sahu, Advocate. |
| For State | **:** | Mr. Akhilesh Kumar, G.A. |

**Hon'ble Mr. Justice Amitendra Kishore Prasad**

**Order on Board**

**05.10.2026**

1. The present petition is preferred by the petitioners challenging the order dated 06.07.2026 (Annexure P-1) passed by the respondent No. 2/ District Magistrate, Durg, District Durg (C.G under Section 14 of the SARFAESI Act, 2002, whereby the concerned Tehsildar has been directed to take physical possession of the secured property of the petitioners.
2. The petitioners in the said writ petition is seeking for the following reliefs :-

> *"10.1 That this Hon'ble Court may kindly be pleased to issue a writ, order or direction, more particularly a writ in the nature of Certiorari, quashing and setting aside the impugned order dated* ***06.07.2026*** *passed*

*by the learned District Magistrate, Durg under Section 14 of the SARFAESI Act, 2002, whereby the concerned Tehsildar has been directed to take physical possession of the secured property of the Petitioners;*

*10.2 That, this Hon'ble Court may kindly be pleased to issue a writ, order or direction directing the Respondent Bank to grant the Petitioners reasonable time for repayment of the outstanding amount and not to take coercive steps for taking physical possession of the secured property during such period;*

*10.3 That this Hon'ble Court may kindly be pleased to Grant any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."*

3. Mr. Sanjay Kumar Sahu, learned counsel for the petitioners submits that although an efficacious alternative remedy is available to the petitioners under the applicable law, the said remedy is presently not practically available to them, as the Debts Recovery Tribunal (D.R.T.), Jabalpur (M.P.) is not functioning. It is further submitted that the petitioners had approached the D.R.T., Jabalpur (M.P.) with the expectation of availing the statutory remedy available to them; however, on account of the non-

functioning of the said Tribunal, their grievance could not be effectively adjudicated and no efficacious relief could be obtained. He, therefore, submits that in view of the exceptional circumstances prevailing and the unavailability of the statutory forum, the petitioners have been left without any effective and efficacious alternative remedy and have, consequently, been constrained to invoke the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India by filing the present petition.

4. Mr. Akhilesh Kumar, Government Advocate for the State submits that the petitioners have an efficacious alternative remedy available under the provisions of the SARFAESI Act, 2002, and are required to avail the statutory remedy before the Debts Recovery Tribunal (D.R.T.). It is submitted that although the D.R.T., Jabalpur (M.P.) is presently not functioning, the matters pertaining to the jurisdiction of D.R.T., Jabalpur have been assigned to D.R.T.-2, Ahmedabad for adjudication. He, therefore, submits that the petitioners are required to approach D.R.T.-2, Ahmedabad, which has been entrusted with the matters falling within the jurisdiction of D.R.T., Jabalpur, for redressal of their grievances in accordance with law. Consequently, the present writ petition, being maintainable in the face of an efficacious alternative statutory remedy, deserves to be dismissed on the ground of availability of such remedy.

5. Having heard learned counsel for the parties and considering the

facts and circumstances of the case, this Court deems it appropriate to grant liberty to the petitioners to approach the D.R.T.-2, Ahmedabad, which is presently dealing with the matters falling within the jurisdiction of D.R.T., Jabalpur (M.P.), within a period of 15 days from today. For a period of 15 days, the respondent authorities are directed not to take any coercive steps against the petitioners. It is made clear that the interim protection granted herein shall remain operative only for the aforesaid period.

6. With the aforesaid observations and directions, the petition stands **disposed of** .

7. No order as to costs.

**Sd/-**
**(Amitendra Kishore Prasad)**
**Judge**

U.K. Raju