CGHC010384012026 2026:CGHC:43173

RUCHI YADAV Digitally signed by RUCHI YADAV

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5076 of 2026

1 - Chhattisgarh Rajya Gramin Bank, Through Authorised Officer Nitin Choudhary, S/o Shri Parmanand Choudhary, Aged About 40 Years, Regional Office Korba, District Korba, C.G.

... Petitioner(s)

versus

1 - State of Chhattisgarh Through The Secretary, Revenue And Disaster Management Department, Raipur, District Raipur Chhattisgarh. **2 -** District Magistrate -Cum-Collector, Korba, District Korba Chhattisgarh. **3 -** Sub Divisional Officer, Katghora District Korba Chhattisgarh. **4 -** Tehsildar, Dipka, District Korba Chhattisgarh. **5 -** Superintendent Of Police, Korba, District Korba Chhattisgarh. **6 -** Laxmi Narayan Parley, S/o Lakhan Lal, Aged About 61 Years R/o Hardi Bazar Road, Umendi Bhantha, Bhilai Bazar, Police Station Hardi Bazar, Tehsil Hardi Bazar, District Korba Chhattisgarh.

... Respondent(s)

(Cause title taken from CIS Periphery)

For Petitioner(s)	:	Mr. Saket Pandey, Advocate
For Respondent/State	:	Dr. Arham Siddiqui, Panel Lawyer

SB: Hon’ble Mr. Justice Amitendra Kishore Prasad

Order on Board

06/10/2026

1. By way of this petition, the petitioner has prayed for following reliefs:-

> “10.1. That, the records pertaining to the revenue case of the petitioner, may be kindly called for the kind perusal of this Hon'ble Court.
>
> 10.2 That, the Hon'ble Court may kindly direct the respondent authority to decide the representations preferred by the petitioner, in the interest of justice.
>
> 10.3. That any other relief which this Hon'ble court may deem fit and just in the facts and circumstances of the case.”

2. The brief facts of the case are that the petitioner/Bank had provided financial assistance to the borrowers against the security of the mortgaged property. However, the borrowers committed default in repayment of the loan amount, pursuant to which their loan account was classified as a Non-Performing Asset (NPA). Thereafter, the petitioner/Bank initiated proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) and issued a demand notice under Section 13(2) of the Act. As the borrowers failed to discharge their outstanding liability, possession proceedings were initiated by the petitioner/Bank. The petitioner/Bank thereafter preferred an application under Section 14 of the SARFAESI Act before the concerned District Magistrate. The said application was allowed vide order dated

30.07.2026 in favour of the petitioner/Bank. However, despite the said order, possession of the secured property was not handed over to the petitioner/Bank by the concerned authorities.

3. The petitioner/Bank thereafter submitted representations before the concerned Tehsildar seeking compliance of the order dated 30.07.2026 and handing over of possession of the secured property. However, no action was taken thereon. Hence, the present petition has been filed seeking appropriate directions to the concerned authorities for implementation of the order dated 30.07.2026 passed under Section 14 of the SARFAESI Act.

4. Per contra, learned State counsel submits that the order dated 30.07.2026 under Section 14 of the Act of 2002 has already been passed by the concerned District Magistrate. He further submits that the consequential steps for taking possession of the secured property are required to be taken by the concerned revenue authorities in accordance with law. He has no objection if a reasonable time is granted to the concerned Tahsildar to consider the pending representation of the petitioner and take consequential action in accordance with law.

5. Heard learned counsel for the parties and perused the material available on record.

6. From the pleadings and documents filed by the petitioner, it appears that after the loan account of the borrowers was classified as a Non-Performing Asset, the petitioner/Bank initiated proceedings under the provisions of the Act of 2002 and subsequently obtained an order dated 30.07.2026 under Section 14 of the Act of 2002 from the concerned

District Magistrate. The grievance of the petitioner is that despite passing of the said order and submission of representations before the concerned Tahsildar seeking consequential action for taking possession of the secured property, no effective action has been taken thereon.

7. Considering the aforesaid facts and circumstances of the case and without expressing any opinion on the merits of the matter, this Court deems it appropriate to dispose of the present writ petition with a direction to the concerned Tahsildar to consider and decide the pending representation/proceedings of the petitioner in the light of the order dated 30.07.2026 passed under Section 14 of the Act of 2002 and to take consequential steps, in accordance with law, expeditiously, preferably within a period of 45 days from the date of receipt of a certified copy of this order, subject to there being no order of stay by any competent Court or authority.

8. It is made clear that this Court has not expressed any opinion on the merits of the case. The concerned authority shall proceed strictly in accordance with law.

9. Accordingly, the writ petition stands **disposed of.**

No order as to costs.

Sd/-

(Amitendra Kishore Prasad)

Judge

Ruchi