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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5351 of 2026

1 - Smt. Hema Das Vaishnav W/o Shri Raghvendradas Vaishnav, Aged About 47 Years R/o A-1, Anushtha Residency, P H-1, Junwani Khamariyua Road, Bhilai, District Durg 490020, Chhattisgarh

2 - Shri Raghvendra Das Vaishnav, S/o Late Shri N D Vaishnav, Aged About 56 Years R/o A-1, Anushtha Residency, P H-1, Junwani Khamariyua Road, Bhilai, District Durg 490020, Chhattisgarh

... Petitioner(s)

versus

1 - U C O Bank Sector-1 Through Its Branch Manager Bhilai Branch, 490001, Bhilai, District Durg Chhattisgarh

2 - The Collector, Durg, District Durg Chhattisgarh

3 - The Tehsildar, Tehsil Durg, District Durg Chhattisgarh

4 - Satyendra Singh, S/o Mr. Ram Naresh Singh, Aged About 59 Years R/o House No. 1, Street No. 1, Ward No. 60, Infront Of Trabkeshwar Mahadev Hanuman Mandir, Pushpak Nagar, Near Smriti Nagar District Durg Chhattisgarh

... Respondent(s)

(Cause title taken from CIS System)

For Petitioners	:	Mr. Shikhar Bakhtiyar, Advocate
For State	:	Ms. Akanksha Verma, PL
For UCO Bank	:	Mr. P. R. Patankar, Advocate

Hon'ble Mr. Justice Amitendra Kishore Prasad
Order on Board

26.10.2026

1. The petitioners have filed this petition with the following reliefs:-

“ 10.1 That this Hon'ble Court may kindly be pleased to issue a writ of certiorari or any other appropriate writ, order, or direction, calling for the records of the case from the Hon'ble Debts Recovery Appellate Tribunal (DRAT), Allahabad in the appeal arising out of S.A. No. 429/2021;

10.2 That this Hon'ble Court may kindly be pleased to quash and set aside the impugned final order dated 13/07/2026 passed by the Hon'ble Debts Recovery Appellate Tribunal, Allahabad, whereby the statutory appeal was mechanically disposed of and remanded without adjudicating the appeal on its own merits and without setting aside the illegal order dated 11.11.2022 passed by the DRT, Jabalpur;

10.3 That this Hon'ble Court may kindly be pleased to issue a writ of certiorari or an appropriate writ, order, or direction, quashing and setting aside the order dated 11.11.2022 passed by the Ld. Debts Recovery Tribunal, Jabalpur in S.A. No. 429/2021, and consequently grant protection/status quo qua the secured asset

during the pendency of proceedings before the Tribunal below

10.4 In the alternative, that this Hon'ble Court may kindly be pleased to issue a writ of mandamus or an appropriate writ, order, or direction, remitting the matter back to the Hon'ble Debts Recovery Appellate Tribunal (DRAT) Allahabad with a decision to restore the statutory appeal to its original file and decide the same afresh on its own merits in accordance with law within a stipulated time frame, while directing that the interim protection granted vide order dated 25.04.2024 shall continue to remain operative until the final disposal of the said appeal

10.5 That any other relief which this Hon'ble Court deems fit and proper may also be granted in favour of the petitioner safeguarding their interest;"

2. Learned counsel appearing for the petitioners submits that the petitioners are aggrieved by the final order dated 13.07.2026 passed by the Debts Recovery Appellate Tribunal (DRAT), Allahabad, whereby their statutory appeal was disposed of by remitting the matter to the Debts Recovery Tribunal (DRT), Jabalpur, without setting aside the impugned order dated

11.11.2022 or deciding the appeal on its merits. It is further submitted that the petitioners are also aggrieved by the proposed coercive action of Respondent No. 3/Tehsildar, Durg, for taking physical possession of their residential house under Section 14 of the SARFAESI Act, 2002, and for mutation of the revenue records in favour of Respondent No. 4/auction purchaser in respect of the property situated at A-1, Anushtha Residency, PH-1, Junwani Khamariya Road, Bhilai, District- Durg (C.G.). Hence, this petition.

3. Learned counsel appearing for the respondent-Bank submits that the petitioners have challenged the order dated 13.07.2026 passed by the Debts Recovery Appellate Tribunal (DRAT), Allahabad, whereby the matter was remanded to the Debts Recovery Tribunal (DRT), Jabalpur, with liberty to the petitioners to move an appropriate application for redressal of their grievances. It is further submitted that the interim relief granted by the concerned DRT has been directed to continue and the matter is presently pending consideration before the said Tribunal. In view of the aforesaid, the present writ petition is, therefore, not maintainable.

4. Having heard learned counsel for the parties and upon consideration of the submissions made, it appears that the matter is presently pending consideration before the concerned Debts Recovery Tribunal (DRT), Jabalpur, where the petitioners have the opportunity to pursue their grievances in accordance with law. It further appears that the interim protection granted by the

concerned DRT has been directed to continue. In view of the aforesaid circumstances, this Court is of the considered opinion that no further relief is warranted at this stage, particularly when the matter is pending consideration before the competent Tribunal and interim protection is already operating in favour of the petitioners. Accordingly, this Court is not inclined to entertain the present writ petition at this stage and the same is hereby **dismissed.**

SD/-

(Amitendra Kishore Prasad)
Judge

AMIT PATEL