CGHC010418742026 2026:CGHC:46890

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5626 of 2026

1 - Radha Kashyap W/o Late Raydhar Kashyap Aged About 48 Years R/o House No. 85, Ward No. 11, Gandhi Chowk, Post - Chhindgarh, Village - Chhindgarh, District - Sukma (C.G.)

2 - Gaurav Kashyap S/o Late Raydhar Kashyap Aged About 26 Years R/o House No. 85, Ward No. 11, Gandhi Chowk, Post - Chhindgarh, Village - Chhindgarh, District - Sukma (C.G.)

3 - Saurabh Kashyap S/o Late Raydhar Kashyap Aged About 28 Years R/o House No. 85, Ward No. 11, Gandhi Chowk, Post - Chhindgarh, Village - Chhindgarh, District - Sukma (C.G.)

4 - Rishabh Kashyap S/o Late Raydhar Kashyap Aged About 21 Years R/o House No. 85, Ward No. 11, Gandhi Chowk, Post - Chhindgarh, Village - Chhindgarh, District - Sukma (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through - The Secretary, Revenue And Disaster Manager, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District - Raipur (C.G.)

2 - Collector And District Magistrate Sukma, District - Sukma (C.G.)

3 - Director Chhattisgarh Rajya Gramin Bank, Mahadev Ghat Road, Sundar Nagar, Raipur, District - Raipur (C.G.), Corporate Office - Sector-24, Plot No. 47, Village - Tuta, Atal Nagar, Nawa Raipur, District - Raipur (C.G.) Pin – 492018

4 - Chief Manager / Regional Manager Chhattisgarh Rajya Gramin Bank, Regional Office - Jagdalpur, Opposite - P.G. College Ground, Beside Bastar

Library, Dharampura, No. 2 Chitrakot Road, Jagdalpur, District - Bastar (C.G.) Pin – 494001

5 - Branch Manager Chhattisgarh Rajya Gramin Bank, Branch - Chhindgarh, District - Sukma (C.G.)

6 - Rajendra Kumar Nirmalkar S/o Chatur Singh Nirmalkar Aged About 40 Years R/o Hospital Colony, Post - Chhindgarh, Village - Chhindgarh, District - Sukma (C.G.)

... Respondent(s)

For Petitioners	**:**	Mr. Chandrabhushan Kesharwani and Ms. Mandwi Bharadwaj, Advocates
For State	**:**	Mr. Sangharsh Pandey, GA

Hon'ble Shri Justice Amitendra Kishore Prasad

Order on Board

05/11/2026

1. By way of the present writ petition, the petitioners are challenging the order dated 17.08.2026 passed by respondent No. 2 under Section 14 of the SARFAESI Act, 2002, whereby an order for taking physical possession of the secured asset has been passed for recovery of Rs. 19,96,322/- along with interest in respect of the housing loan availed by deceased Raydhar Kashyap. The petitioners, therefore, pray for the following relief(s):-

> *“10.1 That, this Hon'ble Court may kindly be pleased to quash the impugned order dated 17.08.2026 (Annexure P/1) passed by the respondent No.2 and also quash the proceedings initiated under SARFAESI Act, 2002.*
>
> *10.2 That, this Hon'ble Court may kindly be pleased to issue appropriate writ, order or direction to quash the proceeding of SARFAESI Act by giving sufficient time to consider the application filed on dated 08.10.2026 for one time settlement or restructure of the loan (borrowed amount) against the secured asset.*

10.3 That, this Hon'ble Court may kindly be pleased to grant any other relief/relief's in favour of the petitioners, which the Hon'ble Court deemed fit & just in the facts and circumstances of the case."

2. Learned counsel for the petitioners submits that by way of the impugned order, respondent No. 2 has directed the petitioners to hand over physical possession of the secured asset in respect of the housing loan availed by deceased Raydhar Kashyap. He submits that the petitioners intend to settle the loan account and therefore, seek some time to approach the concerned authority. Learned counsel for the petitioners further submits that since the D.R.T., Jabalpur (M.P.) is presently not functioning, they are unable to avail the statutory remedy available to them under the SARFAESI Act, 2002. It is, therefore, contended that the order passed against the petitioners deserves to be stayed, as they cannot be left remediless on account of the non-functioning of the D.R.T. Jabalpur.

3. Learned counsel for the State submits that, in view of the Gazette Notification dated 02.06.2026 published by the Govt. of India, Ministry of Finance the matters falling within the jurisdiction of D.R.T., Jabalpur (M.P.) are to be taken up by D.R.T.-2, Ahmedabad for a period of six months or till the appointment of a regular Presiding Officer, or until further orders, whichever is earlier. It is further submitted that a Presiding Officer has already been designated to preside over D.R.T.-2, Ahmedabad. Therefore, the petitioners have an efficacious alternative remedy and as such, they may be directed to approach D.R.T.-2, Ahmedabad for redressal of their grievance.

4. On this note, counsel for the petitioners submit that they may be granted 15 days' time to file appropriate application before the D.R.T.-2, Ahmedabad, however, till then some interim protection may be granted in favour of the petitioners.

5. Having heard learned counsel for the parties, it appears that by the notification dated 02.06.2026, the Additional Charge of D.R.T., Jabalpur has been assigned to D.R.T.-2 Ahmedabad. Therefore, the petitioners have the recourse of availing the statutory remedy available to them under the SARFAESI Act, 2002 before D.R.T.-2, Ahmedabad. Accordingly, this writ petition is **disposed of** with liberty to the petitioners to approach D.R.T.-2, Ahmedabad by filing appropriate proceedings, including applications for listing and interim relief **within a period of 15 days from today.**

6. **Till 15 days from today,** respondents are directed not to take any coercive steps against the petitioners.

7. It is, however, made clear that the petitioners shall approach the Tribunal without delay and shall not seek any adjournment on the ground that he is protected by the interim orders passed by this Court.

8. The D.R.T.-2, Ahmedabad shall consider the petitioners' application for interim relief/stay and pass appropriate orders thereon in accordance with law, as expeditiously as possible.

Sd/-

(Amitendra Kishore Prasad)
Judge

Priyanka