CGHC010426372026 2026:CGHC:45948

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5450 of 2026

1 - Amrika Birhe S/o Laxmi Narayan Aged About 42 Years (Wrongly Mentioned As Dhirahe In Annexures) As Per Adhar Card, R/o House No. 01, Ward No. 01, Village Charauda Tehsil Malkharouda, District Janjgir Champa (C. G.)

... Petitioner

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhawan New Mantralaya Naya Raipur, District Raipur (C. G.)

2 - The Collector Janjgir Champa, District Janjgir Champa (C. G.)

3 - Tahsildar Tahsil Adbhar, District Janjgir Champa (C. G.)

4 - Bank Of Baroda Through Its Branch Manager, Branch Sakti, District Janjgir Champa (C. G.)

... Respondents

For Petitioner	:	Mr. Banhiman Roy, Advocate
For State	:	Mr. Abhyuday Tripathi, PL
For Respondent No.4	:	Mr. Vinod Deshmukh, Advocate

SB: Hon’ble Mr. Justice Amitendra Kishore Prasad
Order on Board

30/10/2026

1. By filing the present writ petition, the petitioner calls in question the legality and validity of the impugned eviction notice dated 28.09.2026 issued by respondent No.3 whereby, the petitioner has been directed to

vacate his possession over the mortgaged property within three days. The petitioner has prayed for the following relief(s) :-

> *"(i) That, the Hon'ble Court may kindly be pleased to quash the impugned eviction dated 28.09.2026 (Annexure P-1) passed by the respondent no. 3 and also to issue direction to the respondent bank to give some time to the petitioner to pay remaining installment, in the interest of justice.*
> *(ii) Any other relief, which the Hon'ble Court may deem fit and proper in the facts and circumstances of the case may also be granted in favour of the petitioner."*

2. Learned counsel for the petitioner submits that, by way of the impugned notice, respondent No. 3 has directed the petitioner to vacate his possession over the mortgaged property within a period of three days. Learned counsel for the petitioner submits that since the D.R.T., Jabalpur (M.P.) is presently not functioning, he is unable to avail the statutory remedy available to him under the SARFAESI Act, 2002. It is, therefore, contended that the order passed against the petitioner deserves to be stayed, as he 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 petitioner has an efficacious alternative remedy and as such, he may be directed to approach D.R.T.-2, Ahmedabad for redressal of his grievance.

4. On this note, counsel for the petitioner submits that he 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 petitioner.

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, this writ petition is **disposed of** with liberty to the petitioner 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 petitioner.

7. It is, however, made clear that the petitioner 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 petitioner's application for interim relief/stay and pass appropriate orders thereon in accordance with law, as expeditiously as possible.

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

Priyanka