HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 19657/2023
CNR: RJHC010931542023 | URN: CW / 40232U / 2023

Shishu Pal Singh S/o Gangaram, Aged About 84 Years, R/o P.no. 72, Street No. 1, Section 7, New Power House Road, Jodhpur.

----Petitioner

Versus

1. The District Collector, Jodhpur.
2. City Union Bank Limited, Through Its Branch Manager, Registered / Branch Office At Ground Floor, Plot No. 3 Section-7, Near Power House Road, Jodhpur.

----Respondents

For Petitioner(s) : Mr. Muktesh Maheshwari
For Respondent(s) :

JUSTICE ANOOP KUMAR DHAND

Order

07/08/2026

1. The instant petition has been preferred against the impugned order dated 06.07.2023 passed by the District Magistrate, Jodhpur.

2. It has been apprised by the learned counsel for the respondent that the impugned order has already been assailed by the petitioner before the concerned Debt Recovery Tribunal by way of filing appropriate application under provisions of the Securitisation and Reconstruction of Financial Assets And Enforcement of Security Interest Act, 2002 (for short, 'SARFAESI Act'). Now, with regard to the same grievance, the instant petition has been preferred by the petitioner before this Court. He submits that with regard to the same grievance, the petitioner has

approached two different fora of law, availing two parallel remedies. Hence, the instant petition is not maintainable and is liable to be rejected on this ground alone.

3. In rebuttal, the counsel appearing on behalf of the petitioner submits that the order passed by the bank for declaring the account of the petitioner as NPA was recalled by the order passed by this Court. Hence, under these circumstances, there was no reason or occasion to available with the District Magistrate, Jodhpur to pass the impugned order under Section 14 of the SARFAESI Act. Hence, the instant petition is very much maintainable before this Court and interference of this Court is warranted.

4. Heard and considered the submissions made at the Bar and perused the material available on record.

5. Without going into the merits of the matter and the controversy involved in the instant petition, but looking to the fact that the petitioner has already availed the alternative statutory remedy by way of filing appropriate application before competent Debt Recovery Tribunal (for short, 'DRT') and the matter is *sub-judice* before the DRT, the petitioner cannot be allowed to avail two parallel remedies for redressal of his grievances before DRT and before this Court by way of filing the instant petition.

6. On this ground alone, the instant petition is not entertained by this Court and the same stands disposed of, granting liberty to the petitioner to take all the grounds which have been taken before this Court along with other available grounds before the DRT.

7. In case such submissions, so made in the instant petition are made by the petitioner before the DRT, it is expected from the DRT to consider the same in accordance with law as passed appropriate order with observations.

8. Since interim order is operating in this matter in favour of the petitioner, the said order shall remain in currency for a period of 30 days. Thereafter, the petitioner would be at liberty to submit appropriate stay application before the DRT and the same would be decided by the DRT in accordance with law.

9. With the aforesaid observation, the instant petition stands disposed of. All pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

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