



2026:CGHC:9333



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 547 of 2026

- 1** - Chandrahas Sao S/o Late Ganeshram Sao Aged About 62 Years R/o Shringar Gift House, Polsaypara, Station Road, Durg, Tahsil And District Durg Chhattisgarh
- 2** - Chandra Mohan Sao S/o Late Ganeshram Sao Aged About 55 Years R/o Shringar Gift House, Polsaypara, Station Road, Durg, Tahsil And District Durg Chhattisgarh
- 3** - Miss Shri Vijay Laxmi Sao D/o Late Ganeshram Sao Aged About 56 Years R/o Shringar Gift House , Polsaypara, Station Road, Durg, Tahsil And District Durg Chhattisgarh
- 4** - Smt. Subhadra Devi Sao D/o Late Ganeshram Sao, W/o Shri Bisahu Singh Sao Aged About 67 Years R/o Danganiya, Raipur, Tahsil And District Raipur Chhattisgarh
- ... Petitioners**

versus

- 1** - The Authorised Officer, Bank Of India, Scale-IV (CM), Suraj Kumar, Raipur Asset Recovery Branch, Bank Of India, Raipur, Chhattisgarh
- 2** - The Bank Of India Raipur Asset Recovery Branch, Through Its Branch Manager, Raipur, Chhattisgarh
- 3** - PSB Alliance Pvt. Ltd. Through Its Authorised Officer, Through Bank Of India, Raipur Asset Recovery Branch, Through Its Branch Manager, Raipur Chhattisgarh
- 4** - Smt. Shrijata Bhattacharya W/o Shri Abhijit Goswami Aged About 59 Years R/o House No. 59 A/7, Nehru Nagar, West Bhilai, Tahsil And District Durg Chhattisgarh
- 5** - The Collector District Durg, Chhattisgarh
- 6** - The Tahsildar Durg, Tahsil And District Durg, Chhattisgarh

... Respondents

(Cause title, as taken from CIS system)

For Petitioners	: Mr. Anurag Tripathi, Adv. with Mr. Ashwini Upadhyay, Adv. through video conferencing
For Respondents No.1 to 3	: Mr. Anand Shukla, Advocate
For State / Res. No.5 & 6	: Mr. Anand Dadariya, Dy. Adv. General.



(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

23/02/2026

1. Heard.
2. The present petition has been preferred by petitioners under Article 226 of the Constitution of India seeking following relief(s) :
 - “10.1 Quash eAuction (ID 227607).
 - 10.2 Quash notice; declare mortgage/Bhuiyan entries void.
 - 10.3 Direct mortgage removal from records.
 - 10.4 Costs/other reliefs.”
3. Learned counsel for the petitioners submits that the revenue proceedings concerning the subject property are under sub judice before the Board of Revenue, Chhattisgarh, despite that e-Auction notice (ID No. 227607) has been issued with respect to the same property. He further submits that the petitioners' father purchased subject land, whereas a subsequent purchaser (respondent No.4) has unlawfully mortgaged the subject property. He also submits that the petitioners had applied for mutation in the year 2008, to which respondent No.4 already filed a reply. Thus, respondent No.4 as well as Bank were fully aware about the aforesaid proceedings, despite that respondent No.4 mortgaged the subject land by suppressing material facts, therefore, the mortgage is completely unlawful, as there is title dispute of the same since the year 2008. But, without considering all those facts, the e-Auction notice has been issued. Learned counsel further submits that said Auction is also in violation of Section 52 of the Transfer of Property Act. Hence, he prays that this petition may be admitted for hearing.
4. *Per contra*, learned counsel for the respondent Nos.1 to 3 submits that



the e-Auction proceeding is being carried out under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as "SARFAESI Act"). He further submits that the remedy, if any, available to the petitioners lies under aforesaid Act, by raising their grievance before the Debt Recovery Tribunal, Jabalpur (for short "DRT"), therefore, this writ petition is not maintainable. In this regard, he placed reliance on ***ICICI Bank Limited & Ors. Vs. Umakanta Mohapatra & Ors.***, reported in **(2019) 13 SCC 497**.

5. Learned State counsel submits that the State is a formal party.
6. The present petition has been filed by the petitioners seeking quashing of the e-Auction notice (ID No. 227607) issued under the SARFAESI Act. The Hon'ble Supreme Court has consistently observed that the writ Courts ought not to interfere in proceedings under the SARFAESI Act. In the case of ***ICICI Bank Limited and Ors.*** (*supra*), the Hon'ble Apex Court has passed the following order in paragraphs 2, 3 & 4 :-

"2. Despite several judgments of this Court, including a judgment by Hon'ble Navin Sinha, J., as recently as on 30-1-2018, in *State Bank of Travancore v. Mathew K.C.*, {(2018) 3 SCC 85}, the High Courts continue to entertain matters which arise under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI), and keep granting interim orders in favour of persons who are non-performing assets (NPAs).

3. The writ petition itself was not maintainable, as a result of which, in view of our recent judgment, which has followed earlier judgments of this Court,



held as follows: (SCC p. 94, para 17)

"17. We cannot help but disapprove the approach of the High Court for reasons already noticed in *Dwarikesh Sugar Industries Ltd. v. Prem Heavy Engineering Works (P) Ltd.*, {(1997) 6 SCC 450}, observing: (SCC p. 463, para 32)

'32. When a position, in law, is well settled as a result of judicial pronouncement of this Court, it would amount to judicial impropriety to say the least, for the subordinate courts including the High Courts to ignore the settled decisions and then to pass a judicial order which is clearly contrary to the settled legal position. Such judicial adventurism cannot be permitted and we strongly deprecate the tendency of the subordinate courts in not applying the settled principles and in passing whimsical orders which necessarily has the effect of granting wrongful and unwarranted relief to one of the parties. It is time that this tendency stops.' "

4. The writ petition, in this case, being not maintainable, obviously, all orders passed must perish, including the impugned order (*Umakanta Mohapatra v. ICICI Bank*, WP (C) No. 5890 of 2012, order dated 3-2-2014 (Ori); *Sabita Kumar Nayak v. ICICI Bank*, WP (C) No. 18460 of 2013, order dated 3-2-2014 (Ori); *Dharmendra Panigrahi v. ICICI Bank Ltd.*, 2014 SCC OnLine Ori 715; *Satyajit K. Jena v. ICICI Bank Ltd.*, 2014 SCC OnLine Ori 712; *Kalandi Ch. Behera v. ICICI Bank*,



2014 SCC OnLine On 713; *Umasankar Misra v. ICICI Bank*, 2014 SCC OnLine Ori 716; *Asutosh Mishra v. RBI*, 2014 SCC OnLine Ori 714; *Arabinda Mohanty v. ICICI Bank*, 2014 SCC OnLine Ori 711), which is set aside.”

7. A similar view has further been reiterated by the Hon’ble Apex Court in ***LIC Housing Finance Limited Vs. Nagson and Company & Others, {(2025) LiveLaw SC 722}***.
8. Having considered the issues involved in instant petition under the SARFAESI Act, which has been enacted for a special purpose, this Court finds that the remedy available to the petitioners for redressal of their grievance lies before the DRT, Jabalpur. Therefore, in view of the aforesaid judgments rendered by the Hon’ble Apex Court, this Court is not inclined to entertain the instant petition, hence the same is disposed of. However, liberty is left with the petitioners to raise all their grievance before the DRT, Jabalpur, by seeking such remedy as may be available to them under the law.
9. Accordingly, this writ petition stands **disposed of**.
10. Pending interlocutory application(s), if any, also stands disposed of. No order as to cost(s).

Sd/-
(Naresh Kumar Chandravanshi)
Judge