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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 806 of 2026**

Smt. Nutan Bharadwaj W/o Shri Hitendra Bharadwaj, Aged About 49 Years R/o Dhuripara, Patwari Halka No. 35, Mangla, P.S. Civil Lines, Bilaspur, Tahsil And District- Bilaspur (C.G.)

... Petitioner**versus**

1 - State Of Chhattisgarh Through The Secretary, Department, Of Revenue And Disaster Management, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur (C.G.)

2 - The Collector, Bilaspur, District- Bilaspur (C.G.)

3 - The Tehsildar, Bilaspur, District- Bilaspur (C.G.)

4 - The Additional Tehsildar, Bilaspur, District- Bilaspur (C.G.)

5 - Mamadar Maal, Office Of Tehsildar, Bilaspur, District- Bilaspur (C.G.)

6 - Bank Of India The Branch Manager, Vyapar Vihar Branch, Bilaspur, District- Bilaspur (C.G.)

7 - Ankur Singh Chahil S/o H.S. Chahil R/o Mig -11, Yadunandan Nagar, Tifra , Bilaspur, District- Bilaspur (C.G.)

... Respondents

For Petitioner	:	Mr. N. Naha Roy, Advocate
For Respondents 1 to 5/State	:	Mr. Soumitra Kesharwani, Panel Lawyer
For Respondent No.6	:	Mr. Anand Shukla, Advocate

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)**Order on Board****24.02.2026**

1. The petitioner has preferred this petition under Article 226 of the Constitution of India, seeking following relief(s):-



“10.1 Issue an appropriate writ in the nature of mandamus and quash the notice dated 09.12.2025 (Annexure P/1) and the consequential action of vacating the house property from petitioner's possession and handing over of the possession of the same in favour of the respondent No.: 7 through respondent No.: 6 Bank, for the same being absolutely arbitrary and illegal, as explained above.

10.2 Issue an appropriate writ and ask the respondents to restore the peaceful possession of the petitioner over the property in question herein and restrain the respondents from interfering therein, until a decision is taken by the DRT concerned, in the securitization application under section 17 of the SARFAESI Act, 2002, for such question remaining intertwined with the petitioner's right to life with dignity and right to property as enshrined under Article 300-A of the Constitution of India, as referred above.

10.3 Grant any other relief, which is deemed fit in the circumstances of the case..”

2. Learned counsel for the petitioner submits vide Order dated 10.6.2024 (Annexure-P/3), the District Magistrate, Bilaspur, has directed the Tahsildar/Executive Magistrate, Bilaspur to hand over the possession of secured assets to respondent No.6. He next submits that in compliance of that Order, the Additional Tahsildar, Bilaspur has issued eviction warrant against the petitioner and directed Maljamadar of Tahsil Office, Bilaspur to evict the petitioner. Learned counsel further submits that the petitioner has already filed application before Debt Recovery Tribunal (DRT), Jabalpur challenging Order dated 10.6.2024 passed by the District Magistrate, Bilaspur, despite that the Additional Tahsildar, Bilaspur has taken steps to comply with order dated 10.6.2024. Hence, it is prayed that this petition may be admitted for hearing.



3. Per contra, learned counsel for respondent No.6 submits that the petitioner has already moved application against the order dated 10.6.2024 passed by District Magistrate, Bilaspur under Section 43 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short SARFAESI Act), in which, the DRT, Jabalpur has already taken steps. Thus, since the issue is already pending consideration before DRT Jabalpur, the writ Court ought not to have interfered in the proceedings, as has been observed by the Hon'ble Apex Court in catena of judgments.

4. I have heard learned counsel for the parties and perused the material available on record.

5. The petitioner has filed order sheets dated 09.9.2025 (Annexure-P/5) and 19.11.2025 (Annexure-P/6) of DRT Allahabad, Additional Charge, DRT Jabalpur along with copy of application (Annexure-P/4), which show that the petitioner has already taken steps in respect of order dated 10.6.2024 passed by District Magistrate, Bilaspur. DRT, Jabalpur has taken cognizance in that application and it has also directed respondent No.6 to serve notice 15 days prior to the applicant/petitioner herein. The DRT has also directed the respondent/Bank to file reply within 15 days. Thus, since cognizance has already been taken by DRT Jabalpur pertaining to Order dated 10.6.2024, therefore, this Court is not inclined to entertain instant writ petition.

6. Accordingly, instant writ petition is dismissed. However, liberty is left with the petitioner to raise her grievance before DRT, Jabalpur.

Sd/-

(Naresh Kumar Chandravanshi)

Judge