



2026:CGHC:29045



2026:CGHC:10386

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 904 of 2026

Bank Of India Through Authorised Officer, Shri Suraj Kumar, S/o- Shri Kamlesh Prasad, Aged About 40 Years, A.R.B., Bank Of India, Naya Raipur, District Raipur, Chhattisgarh

... Petitioner

versus

- 1 - State Of Chhattisgarh Through Secretary, Revenue And Disaster Management Department, Atal Nagar, Mahanadi Bhawan, Raipur, District Raipur (C.G.)**
- 2 - The Collector- Cum- District Magistrate Bilaspur, District Bilaspur, Chhattisgarh**
- 3 - The Tehsildar Bilaspur, District Bilaspur, Chhattisgarh**
- 4 - The Superintendent Of Police Bilaspur, District Bilaspur, Chhattisgarh**
- 5 - The Sub Divisional Magistrate Bilaspur, District Bilaspur, Chhattisgarh**
- 6 - M/s. Mahamaya Vaccine Through Proprietor Phanindra Mishra, S/o Late Mool Chand Mishra, Aged About 54 Years, R/o Near Shiv Mandir, Vidya Upnagar, Diprapara, Bilaspur, District Bilaspur, Chhattisgarh**
- 7 - Jyoti Mishra W/o Phanindra Mishra Aged About 47 Years R/o Near Shiv Mandir, Vidya Upnagar, Diprapara, Bilaspur, District Bilaspur, Chhattisgarh**



8 - Syama Devi Mishra W/o Late Mool Chand Mishra Aged About 85 Years R/o Near Shiv Mandir, Vidya Upnagar, Diprapara, Bilaspur, District Bilaspur C.G.

9 - Vatsala Tiwari C/o Apurwa Tiwari R/o Ward No. 30, Karbala Road, Juna Bilaspur, District Bilaspur, Chhattisgarh

... Respondents

For Petitioner	:	Mr. Saket Pandey, Adv.
For Respondents No. 1 to 5	:	Mr. Saumitra Kesharwani, Panel Lawyer

Hon'ble Shri Justice Naresh Kumar Chandravanshi

Order On Board

27-2-2026

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

10.1 That, the records pertaining to the proceedings before the respondents may kindly be called for kind perusal of this Hon'ble Court.

10.2 That, the Hon'ble Court may kindly direct the respondent no.02 to 05 to assist in granting the physical possession of the mortgaged properties for petitioner bank, also to conclude the proceedings under section 14 of the Act of 2002, in revenue case no. 03/B-121/2024-2025 with use of required force, in the interest of justice.

10.3. That, the Hon'ble Court may kindly direct the respondent authorities to take decision upon the representation of the petitioner bank, in the interest of justice.



10.4. Any other relief, which this Hon'ble Court may deemed just and fit in facts and circumstances of the case.

2. Learned counsel for the petitioner submits that, after the order (Annexure P-1) dated 23-1-2025 passed by the District Magistrate, Bilaspur under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (henceforth referred to as 'SARFAESI Act'), the subject property/secured asset has already been auctioned and sale certificate has also been issued to the auction purchaser, but the sale certificate has not been registered. He further submits that the respondents No. 6 to 8/ borrowers have already moved before the Debt Recovery Tribunal, Jabalpur under Section 17 of the SARFAESI Act. Learned counsel further submits that physical possession of the secured assets has not been handed over to the petitioner in compliance of the order dated 23-1-2025 (Annexure P-1) passed by the District Magistrate, Bilaspur, whereby the respondent No. 3 has been directed to comply with the order, but the same has not been complied with yet. The petitioner has filed an application (Annexure P-2) before the respondents No. 3 and 5, despite that, the same has not been decided yet. He submits that the relief sought for may be granted and the the respondents No. 3 and 5 may be directed to decide the application (Annexure P-2) filed by the petitioner.
3. Learned counsel appearing for the State would submit that, the application (Annexure P-2) filed by the petitioner is under consideration and the same shall be complied with immediately.



4. Heard learned counsel for the parties and perused the material available on record.
5. The order (Annexure P-1) dated 23-1-2025 has been passed by the District Magistrate, Bilaspur, under Section 14 of the SARFAESI Act , in which, the Tehsildar and the Executive Magistrate, Bilaspur have been directed to comply with the order, but the same has not been complied with yet.
6. Having considered the limited prayer made by learned counsel for the petitioner, this writ petition is disposed of by directing the respondents No. 3 and 5 to take steps in accordance with law on the application Annexure P-2 dated 30-10-2025 filed by the petitioner expeditiously preferably within a period of 30 days from the date of receipt / submission of copy of this order.
7. With aforesaid observations and directions, the writ petition stands disposed of. Pending interlocutory application(s), if any, stands disposed of.

Sd/-

(Naresh Kumar Chandravanshi)

Judge