



2026:CGHC:18250



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1234 of 2026

1 - Mohd. Vasim Khan S/o Late Mohd. Kasim Khan Aged About 43 Years R/o Ward No.41, Aman Colony Subhash Nagar Durg Tahsil And District- Durg (C.G.)

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through- Secretary Disaster Management And Revenue Department Mahanadi Bhavan Atal Nagar Nava Raipur District- Raipur (C.G.)

2 - Collector Durg District- Durg (C.G.)

3 - Tahsildar Durg District- Durg (C.G.)

4 - Chhattisgarh Rajya Gramin Bank Through- Authorized Officer Office At Chhattisgarh Rajya Gramin Bank, Regional Office Durg District- Durg (C.G.)

... **Respondents**

(Cause-title taken from the Case Information System)

 For Petitioner :- Mr. R.K. Gomasta, Advocate
 For State :- Mr. Shobhit Mishra, Dy.G.A.
 For Respondent No. 4 :- Mr. P.R. Patankar, Advocate

SB- Hon'ble Shri Justice Amitendra Kishore Prasad

**Order On Board****22.04.2026**

1. By way of the present writ petition filed under Article 226 of the Constitution of India, the petitioner has challenged the eviction warrant dated 27.02.2026 issued by Respondent No. 3–Tahsildar, whereby the petitioner has been directed to vacate the house situated over land bearing Khasra No. 687/563, admeasuring 0.011 hectare, situated at Kasaridih, Tahsil and District Durg (C.G.).
2. The case of the petitioner is that he is the owner and in possession of the aforesaid land and residential house, wherein he is residing along with his family members. It is submitted that Respondent No. 4–Bank had initiated proceedings under Section 14 of the SARFAESI Act, 2002 before the Collector, Durg, seeking possession of certain mortgaged property, pursuant to which the Collector passed an order dated 25.07.2022. Thereafter, an amended order dated 06.03.2023 was passed by the Collector, whereby deemed possession was directed in respect of the land bearing Khasra No. 687/563. It is the contention of the petitioner that the aforesaid orders were passed against a dead person, namely late Mohd. Kasim Khan, who had expired on 23.03.2021, and therefore, the entire proceedings are vitiated. It is further submitted that the petitioner was not a party to the said proceedings and no opportunity of hearing was afforded to him



before issuance of the eviction warrant dated 27.02.2026. The petitioner asserts that the subject property was never mortgaged with Respondent No. 4–Bank and the impugned action has been initiated on the basis of incorrect and misleading information.

3. Following reliefs have been prayed by way of this petition:-

“10.1) This Hon'ble Court may kindly be pleased to call for the entire records pertaining to the case of the petitioner from the possession of the respondents for its kind perusal.

10.2) That, the Hon'ble Court may kindly be pleased to passed order by quashing and setting -aside the impugned eviction warrant dated 27.02.2026 (Annexure P/1) issued by the respondent no. 3 Tahsildar.

10.3) Any other relief or relief(s) which this Hon'ble Court may think proper in view of the facts and circumstances of the case may also kindly be granted. ”

4. Learned counsel for the petitioner submits that the impugned eviction warrant is ex facie illegal and in violation of the principles of natural justice, as no notice or opportunity of hearing was provided to the petitioner. It is further submitted that the proceedings initiated under the SARFAESI Act are vitiated, as the orders have been passed against a deceased person, and the



petitioner, being the owner in possession, cannot be dispossessed without due process of law.

5. Learned State counsel submits that the impugned action has been taken pursuant to the orders passed by the Collector under Section 14 of the SARFAESI Act and in compliance of earlier directions issued by this Court in W.P.(C) No. 4564/2025. It is submitted that the petitioner has an alternative remedy available under law to challenge the proceedings before the appropriate forum.
6. Learned counsel for Respondent No. 4–Bank submits that the proceedings under the SARFAESI Act have been initiated in accordance with law for recovery of dues and the orders passed by the competent authority are valid. It is further submitted that if the petitioner is aggrieved, he may avail appropriate remedy before the competent forum under the provisions of the SARFAESI Act.
7. I have heard learned counsel for the parties and perused the material available on record.
8. Considering the submissions advanced by learned counsel for the parties and on perusal of the record, it appears that certain issues raised by the petitioner, particularly with regard to non-affording of opportunity of hearing and the fact that the earlier proceedings were initiated against a deceased person, require consideration



by the competent authority. It further appears that the petitioner was not a party to the proceedings culminating in the impugned eviction warrant and, therefore, his grievances deserve to be examined by the competent authority in accordance with law.

9. In the aforesaid circumstances, this Court is of the view that instead of adjudicating the matter on merits, it would be appropriate to remit the matter to the competent authority for fresh consideration.

10. Accordingly, without expressing any opinion on the merits of the case, the present petition is **disposed of** with a direction to the respondent authorities to consider the case of the petitioner afresh, after affording due opportunity of hearing to all concerned parties, and thereafter pass a reasoned and speaking order in accordance with law.

11. Till such decision is taken, no coercive steps shall be taken against the petitioner. The petitioner shall appear before the concerned authority within a period of 15 days from the date of receipt of a copy of this order.

sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha