2026:CGHC:21329

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2263 of 2026

1 - Bank Of India Through Authorised Officer Shri Ramarao Bongani, S/o Shri Satyanarayan, Aged About 48 Years, Zonal Officer, Naya Raipur, District Raipur, Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Revenue And Disaster Management Department, Raipur, District Raipur, Chhattisgarh

2 - District Magistrate- Cum- Collector Janjgir-Champa, District Janjgir-Champa, Chhattisgarh

3 - Tehsildar Champa District Janjgir-Champa, Chhattisgarh

4 - M/s Fortune Automotives Proprietor Kanta Devi Sharma, W/o Hanuman Prasad Sharma, Office At Station Road Champa, District Janjgir-Champa, Chhattisgarh

5 - Hanuman Prasad Sharma S/o Ram Gopal Sharma R/o- Station Road Champa, District Janjgir-Champa, Chhattisgarh

... Respondent(s)

(Cause Title is taken from CIS System)

For Petitioner	:	Mr. Saket Pandey, Advocate
For State	:	Ms. Anusha Naik, Dy. Govt. Advocate

Hon’ble Mr. Justice Amitendra Kishore Prasad

Order on Board

07/05/2026

1. The petitioner has filed this writ petition seeking following reliefs:

> *“10.1. That, the records pertaining to the revenue case of the petitioner, may be kindly called for the kind perusal of this Hon'ble Court.*
>
> *10.2 That, the Hon'ble Court may kindly direct the respondent authority to decide the representation preferred by the petitioner, in the interest of justice.*
>
> *10.3. That any other relief which this Hon'ble court may deem fit and just in the facts and circumstances of the case.”*

2. Facts of the case, as projected, are that the petitioner is a Bank which had extended financial assistance to the borrowers in the ordinary course of its banking business. According to the petitioner, the borrowers committed default in repayment of the loan amount and consequently the loan account was classified as a Non-Performing Asset (NPA) in accordance with the applicable banking norms. It has been stated that the borrowers had mortgaged and secured their immovable property in favour of the petitioner Bank as security against the loan amount. After

declaration of the loan account as NPA, the petitioner initiated proceedings under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short “the Act of 2002”). A demand notice under Section 13(2) of the Act of 2002 was issued to the borrowers calling upon them to repay the outstanding dues within the prescribed period. Despite issuance of the notice under Section 13(2) of the Act of 2002, the borrowers failed to liquidate the outstanding liability. Thereafter, possession notice was also issued by the petitioner Bank. It is further the case of the petitioner that the Bank thereafter preferred an application under Section 14 of the Act of 2002 before the District Magistrate seeking assistance for taking possession of the secured asset. The District Magistrate passed an order dated 18.07.2025 in favour of the petitioner Bank. Pursuant thereto, the petitioner Bank submitted representations before the concerned Tahsildar requesting implementation of the order passed under Section 14 of the Act of 2002 and for handing over possession of the secured property. However, despite submission of such representations, no effective action has been taken by the Tahsildar till date. Being aggrieved by the inaction on the part of the respondent authorities, the petitioner has approached this Court seeking appropriate directions.

3. Learned counsel for the petitioner submits that the petitioner Bank

has already completed all statutory formalities contemplated under the Act of 2002. It is contended that after issuance of notice under Section 13(2) and possession notice, the petitioner preferred proceedings under Section 14 of the Act of 2002 and the District Magistrate has already passed an order dated 18.07.2025 in favour of the petitioner Bank. Learned counsel submits that despite passing of the order under Section 14 of the Act of 2002, the authorities concerned, particularly the Tahsildar, have failed to take consequential steps for providing possession of the secured asset to the petitioner Bank. It is further argued that the proceedings under Section 14 are intended to facilitate expeditious enforcement of security interest and recovery of public money and, therefore, the authorities cannot keep such proceedings pending indefinitely without any justifiable reason. Learned counsel also submits that several representations have already been submitted before the Tahsildar, however, no action has yet been taken. Due to such inaction, the petitioner Bank is facing serious difficulty in recovery of public dues. It is therefore prayed that appropriate directions be issued to the concerned Tahsildar to conclude the proceedings and act upon the order passed under Section 14 of the Act of 2002 within a stipulated period.

4. Per contra, learned State counsel submits that the order under Section 14 of the Act of 2002 has already been passed by the

District Magistrate and the matter is required to be processed by the concerned revenue authorities in accordance with law. It is further submitted that if this Court directs the Tahsildar concerned to consider and decide the pending representation/proceedings within a reasonable time frame, the State would have no objection.

5. Heard learned counsel for the parties and perused the material available on record.

6. From the pleadings and documents filed by the petitioner, it appears that after declaration of the loan account as Non-Performing Asset, the petitioner initiated proceedings under the provisions of the Act of 2002 and subsequently obtained an order dated 18.07.2025 under Section 14 of the Act of 2002 from the District Magistrate concerned. The grievance of the petitioner is that despite passing of the order under Section 14 of the Act of 2002 and despite submission of representations before the Tahsildar, no consequential action has been taken for providing possession of the secured asset.

7. Considering the aforesaid aspect of the matter, this Court deems it appropriate to dispose of the present writ petition with a direction to the concerned Tahsildar to consider and decide the pending proceedings/representation of the petitioner and take consequential steps in accordance with law within a period of 45 days from the date of receipt of certified copy of this order, if there

is no hindrance in deciding the same application or if there is no order of stay passed by any higher authority or competent Court.

8. It is made clear that this Court has not expressed any opinion on the merits of the case and the authority concerned shall proceed strictly in accordance with law.

9. Accordingly, the writ petition stands disposed of.

No order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

Shayna