



2026:CGHC:23505



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2677 of 2026

1 - M/s Shri Goldan Transport Represented By Proprietors Sunny Tamrakar S/o Shri Devendra Tamrakar, Aged About 39 Years, R/o H. No. 55, Ward No.30 Tamerpara, Durg, District -Durg (C.G.)

2 - Nand Kumar Tamrakar S/o Shri Chintaram Tamrakar Aged About 71 Years , R/o H. No. 55, Ward No.30 Tamerpara, Durg, District -Durg (C.G.)

3 - Devendra Tamrakar S/o Shri Chintaram Tamrakar, Aged About 69 Years , R/o H. No. 55, Ward No.30 Tamerpara, Durg, District -Durg (C.G.)

4 - Smt. Mithila Tamrakar S/o Devendra Tamrakar Aged About 62 Years All Petitionres , R/o H. No. 55, Ward No.30 Tamerpara, Durg, District -Durg (C.G.)

... Petitioners

versus

1 - Karnataka Bank Through Its Chief Manager And Authorized Officer, Branch Office Santrabari, Durg Dstrict - Durg (C.G.)

2 - Karnataka Bank Ltd. Through Asset Recovery Management Branch Premises 07/1-0333, Plot No. Cbd 100/3, New Town, Kolkata, (West Bengal)

... Respondents

(Cause title as taken from Case Information System)

For Petitioners : Mr. Tarun Dansena, Advocate

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

29/05/2026



1. The petitioners have filed the present writ petition under Article 226 of the Constitution of India against the Sale Notice dated 02.05.2026 issued by the Bank in respect of the immovable property, whereby the auction proceeding were scheduled on 29.05.2026 towards recovery of an amount of Rs.57,55,540.3/-, as per Annexure P-1.
2. Learned counsel for the petitioners submits that the petitioners have already preferred an appeal before the Debts Recovery Tribunal, Jabalpur (henceforth referred to as "the Tribunal"). However, due to the summer vacation, the proceeding cannot be agitated before the Tribunal, and therefore, the instant writ petition has been filed. He further submits that the case before the Tribunal is fixed for hearing on 21.07.2026.
3. When this Court put a query to the learned counsel for petitioners as to why, despite the Sale Notice having been issued on 02.05.2026, the present writ petition was filed on 13.05.2026 and no steps were taken up for urgent hearing of the matter during the normal working days or the other working days of the summer vacation, particularly when the auction was scheduled today, it shows that the petitioners intend to stall the recovery proceedings without paying debts.
4. This Court has further put query to counsel for the petitioners as to whether the petitioners can deposit an amount of Rs.30,00,000/- for getting some interim protection till the appeal is taken up for hearing before the learned Tribunal on 21.07.2026, learned counsel has expressed inability of the petitioners to deposit the said amount.



5. Considering that today is the date fixed for auction and the Sale Notice had already been issued by Bank on 02.05.2026, it appears that the petitioners have deliberately adopted the delay tactics in approaching this Court on the very date of auction. Therefore, the petitioners cannot be said to have approached this Court with the clean hands seeking equitable relief, particularly when the High Court exercised equitable jurisdiction under Article 226 of the Constitution of India.
6. Keeping this aspect of the matter, this Court is of the view that the present case is not a fit one for exercising extraordinary jurisdiction under Article 226 of the Constitution of India. Accordingly, the writ petition stands **dismissed**.
7. Pending interlocutory application(s), if any, stands disposed of. No order as to cost(s).

Sd/-

(Narendra Kumar Vyas)
Judge