



2026:CGHC:16797-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 295 of 2026

1 - M/s N.R. Marketings 15, New Panchsheel Nagar, Civil Lines, Raipur, District Raipur, Chhattisgarh Through Authorised Partner- Mr. Navratan Bhattad S/o Shri P.R. Bhattad, Aged About 48 Years, R/o 15, New Panchsheel Nagar, Raipur, District Raipur, Chhattisgarh

... Appellant

versus

1 - State of Chhattisgarh Through The Principal Secretary, Chhattisgarh Revenue and Disaster Management Department, S-2-48, Mahanadi Bhawan, Atal Nagar, Nava Raipur, Raipur, Tahsil and District Raipur, Chhattisgarh, India Pin 492001

2 - Tahsildar- Raipur Tahsil and District Raipur, Chhattisgarh India Pin 492001

3 - Authum Investment And Infrastructure Limited Through its Chief Manager Neeraj Kumar Jha S/o Shri Santosh Kumar Jha, Aged About 46 Years, Having Branch Office At Office First Floor, C-246/6, Vallabh Nagar, Raipur 492001 Chhattisgarh

4 - Maal Jamadar Tehsil Raipur, District- Raipur, Pin 492001 Chhattisgarh

5 - Nav Ratan Bhattad S/o Prem Ratan Bhattad R/o House No. 15, New Panchshil Nagar, Raipur, Also At H.No./ Plot No. 18, (Municipal H. No.

42/p, No.18) Civil Lines Ward No. 42, New Panchshil Nagar, Raipur C.G.

6 - Smt. Shanti Devi Bhattad W/o Prem Ratan Bhattad R/o House No. 15, New Panchshil Nagar, Raipur, C.G.

7 - Shree Ratan Bhattad S/o Prem Ratan Bhattad R/o House No. 15, New Panchshil Nagar, Raipur, Also At H. No./ Plot No. 18, (Municipal H. No. 42/p, No. 18) Civil Lines Ward No. 42, New Panchshil Nagar, Raipur, C.G.

8 - Prem Ratan Bhattad S/o Late Radhakishan Bhattad R/o House No. 15, New Panchshil Nagar, Raipur, Also At H. No./plot No. 18, (Municipal H. No. 42/p, No. 18), Civil Lines, Ward No. 42, New Panchshil Nagar, Raipur, C.G.

9 - Smt. Archana Bhattad W/o Nav Ratan Bhattad R/o House No. 15, New Panchshil Nagar, Raipur, C.G.

10 - Smt. Manisha Bhattad W/o Shree Ratan Bhattad R/o House No. 15, New Panchshil Nagar, Raipur, C.G.

... Respondents

(Cause-title taken from Case Information System)

For Appellant : Mr. Suryapratap Yuddhveer Singh, Advocate.

For State : Mr. Priyank Rathi, Govt. Advocate.

For respondent No.3: Mr. Rithesh Sharma, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

13-04-2026

1. The present writ appeal filed by the writ appellant who was respondent No.10 in the writ petition, against the impugned order dated

10-02-2026 passed by the learned Single judge in WPC No.562/2026 whereby the writ petition filed by the writ petitioner, present respondent No.3 has been disposed of with a direction to the Tahsildar, Raipur to comply with the order dated 09-05-2024 passed by the Chief Judicial Magistrate Raipur in MJC No.1402/2023 within 30 days from the production of the order passed by the Single Judge.

2. For the sake of convenience the status of the parties are being taken as per their status shown in the writ petition.

3. The brief facts of the case are that the petitioner firm Authum Investment & Infrastructure Limited is a body cooperate constituted under the provisions of Companies Act and engaged in the business of finance. The petitioner advanced loan to respondents No.4 to 10 under the terms and conditions of the loan agreement. Against the loan the respondents No.4 to 10 mortgaged their immovable properties in favour of the writ petitioner and thus the petitioner became secured creditor of the said property. Since Respondents No.4 to 10 made default in return of loan, their loan account was declared as Non Performing Assets (NPS) in accordance with the bank guidelines issued by the Reserve Bank of India and the petitioner was entitled to initiate the proceeding under the provisions of SARFAESI Act. The petitioner issued notice to respondents No.4 to 10 under Section 13(2) of the SARFAESI Act for discharging their liabilities full within 60 days from the date of the notice. However, the respondents No.4 to 10 neither replied the notice nor repaid the amount of loan and then the writ petitioner moved an application under Section 14 of the SARFAESI Act before the Chief

Judicial Magistrate, Raipur seeking the physical possession of the secured assets. The said application was registered as MJC No.1402/2023 by the Chief Judicial Magistrate, Raipur who passed its order on 09-05-2024. It is also case of the petitioner that the order dated 09-05-2024 was passed in favour of the Reliance Commercial Finance Ltd. which was laterally acquired by the present writ petitioner with all rights and therefore, the Chief Judicial Magistrate, Raipur directed the Tahsildar to take possession of the mortgaged property and related documents and forward the same to the secured creditor. Pursuant thereof the Tahsildar, Raipur issued a memo on 14-11-2024 to Maaljamadar directing him to take possession of the mortgaged property and to hand over the same to the petitioner. Since the provision of Section 14 would be frustrated by the lapse of time, the writ petitioner filed the writ petition for direction to the Tahsildar, Raipur and Tahsildar Dharsiva, District Raipur for execution of the order passed by the Chief Judicial Magistrate, Raipur within the stipulated time. The said writ petition has been disposed of vide order dated 10-02-2026 directing the Tahsildar, Raipur to comply with the order dated 09-05-2024 passed by the Chief Judicial Magistrate, Raipur in MJC no.1402/2023 within 30 days from the production of the copy of that order which is under challenge in the present writ appeal.

4. Learned counsel for the writ appellant would submit that the writ petitioner M/s Authum Investment & Infrastructure Limited was not the party in MJC No.1402/2023 before the Chief Judicial Magistrate, Raipur and therefore he was not having any locus to file the WP No.562/2026.

The liability of the writ appellant is towards M/s Reliance Finance Services Ltd. And not against M/s Authum Investment & Infrastructure Limited. The Chief Judicial Magistrate and other authorities without examining the claim of the writ appellant passed the order in mechanical manner. The recovery of the amount of loan itself is time barred and the provisions of the SARFAESI Act have become inapplicable in the case. The writ petition is suffered from suppression of material facts, yet the direction for execution of the order within 30 days has been passed. Therefore, no relief can be granted to the writ petitioner in his writ petition and therefore, by allowing the writ appeal the order passed by the learned Single Judge may be set aside.

5. On the other hand, learned counsel appearing for respondent No.3/writ petitioner would oppose the submission made by learned counsel for the writ appellant and has submitted that the order dated 09-05-2024 passed by the Chief Judicial Magistrate in MJC No.1402/2023 has not been challenged by the writ appellant and there is no pleading to that effect. Presently the writ petitioner had filed the writ petition only for a direction for early compliance of the order dated 09-05-2024 passed by the Chief Judicial Magistrate in MJC No.1402/2023 within the stipulated time-frame and the learned Single Judge has only directed for its early compliance within the stipulated time-frame. He would also submit that in compliance of the order dated 10-02-2026 passed in WPC No.562/2026 the possession of the secured assets have already been taken by the Tahsildar on 28-02-2026 and the order of the Chief Judicial Magistrate as well as the

learned Single Judge of this Court has been complied with. Therefore, there is no merit in the appeal and the same is liable to be dismissed.

6. We have heard learned counsel for the parties and perused the material annexed with the writ appeal as well as the writ petition.

7. From perusal of the impugned order it transpires that the learned Single Judge has directed the Tahsildar, Raipur to comply with the order dated 09-05-2024 passed by the Chief Judicial Magistrate, Raipur in MJC No.1402/2023 expeditiously preferably within a maximum period of 30 days from the date of production of the copy of the order.

8. From pleading of the writ appeal as well as the writ petition, it transpires that the order dated 09-05-2024 passed by the Chief Judicial Magistrate, Raipur was challenged by the writ appellant by filing review application, but the same was also dismissed on 28-03-2025. It also transpires that respondent No.5 of the present appeal Mr. Nav Ratan Bhattad has filed an application under Section 17 of the SARFAESI Act before the Debt Recovery Tribunal, Jabalpur, M.P. which has been registered as SA No.13/2025 in which the order was passed on 30-01-2025 by the Debt Recovery tribunal Jabalpur that “on request of Respondent side matter being adjourned with this observation that at least 15 days prior notice be issued and served on the Applicants whenever proposed to execute the order.” meaning thereby there is no stay of execution of the order.s

9. It also transpires that the notice dated 14-11-2024 also came into knowledge of the partners of the petitioner firm about the application for

execution of the order dated 09-05-2024 and then they preferred the Writ Petition (C) No.3887/2025 before the learned Single Judge of this Court which has been dismissed on 08-09-2025. The Writ Appeal No.852/2025 has also been dismissed by this Court vide order dated 24-11-2025 which is further assailed in Special Leave Petition (Civil) Diary No.9645/2026 before the Hon'ble Supreme Court, which is stated to be pending for consideration. When this Court searched the status of the said SLP from the official website of the Hon'ble Supreme Court it is found that the said SLP (Civil) Diary No.9645/2026 has been dismissed by the Hon'ble Supreme Court on 09-03-2026.

10. Since the order dated 09-05-2024 passed by the Chief Judicial Magistrate, Raipur in MJC No.1402/2023 was already challenged by the present petitioner in WPC No.3887/2025 which has been dismissed vide order dated 08-09-2025, its Writ Appeal No.852/2025 was also dismissed by this Court vide order dated 24-11-2025 and the SLP (Civil) Diary No.9645/2026 has also been dismissed by the Hon'ble Supreme Court on 09-03-2026, the order passed by the Chief Judicial Magistrate is affirmed and the learned Single Judge has only directed for early disposal of the execution application and the said order.

11. The challenge to order dated 09-05-2024 has been dismissed at every stage and by the impugned order the learned Single Judge has only directed for compliance of the order dated 09-05-2024 expeditiously, which warrants no interference. Further, in an intra-court appeal, no interference is usually warranted unless palpable infirmities are noticed on a plain reading of the impugned order and in the facts

and circumstances of the instant case, on a plain reading of the impugned order, we do not notice any such palpable infirmity or perversity, therefore, we are not inclined to interfere with the impugned order. Accordingly, the present appeal is **dismissed**.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

Aadil