CGHC010267332026 2026:CGHC:33380

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4002 of 2026

1 - Chhattisgarh Rajya Gramin Bank Through Authorised Officer, Shishir Shukla, S/o K.M. Shukla, Aged About 38 Years, Regional Office, Rajnandgaon, District-Rajnandgaon, Chhattisgarh.

... Petitioner(s)

versus

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

2 - District Magistrate- Cum- Collector Kabirdham, District- Kabirdham, Chhattisgarh.

3 - Rajkumari Thakur W/o Yashwant Singh Thakur R/o - Nawapara, Lormi Road, Pandariya, Kabirdham, District- Kabirdham, Chhattisgarh.

... Respondent(s)

For Petitioner(s)	:	Shri Saket Pandey, Advocate.
For State	:	Shri Anway Tiwari, PL.

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

03/08/2026

1. This Writ Petition has been filed against the order dated 13.01.2026 passed by the Collector, District Kabirdham by which, application of the petitioner under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "SARFAESI Act") has been rejected for want of prosecution.

2. Learned counsel for the petitioner submits that the petitioner is a Bank which

has provided financial assistance to the borrowers after which the borrowers have defaulted in the repayment of the loan amount because of which the loan account of the borrowers is declared as non performing asset. The borrowers had mortgaged and secured their property in lieu of the loan amount. After the loan account of the borrower was declared as non performing asset, a notice was issued to the borrower under section 13(2) of the SARFAESI Act . Even after the notice was issued under the Section 13(2) of SARFAESI Act, the borrowers were unable to repay the loan amount and a notice was issued for possession. The petitioner took the recourse of preferring an application under section 14 of the Act of 2002, however, the same was dismissed for want of prosecution by the impugned order. He submits that it was an inadvertent mistake and not deliberate attempt on the part of petitioner.

3. On the other hand, counsel for the State submits that the case of the petitioner got dismissed for want of prosecution as petitioner did not caused his appearance before the Collector on many occasions.

4. Having heard learned counsel for the parties and upon considering this fact that the application preferred by the petitioner-Bank under Section 14 of the SARFAESI Act has been dismissed solely for want of prosecution, the record does not indicate that the application was considered on its merits and further considering that the petitioner is seeking enforcement of the statutory remedy available under the SARFAESI Act and that the absence of the petitioner on the relevant dates has been explained as inadvertent, this Court is of the view that the petitioner deserves one opportunity to prosecute its application on merits.

5. Accordingly, the impugned order dated 13.01.2026 passed by the Collector, District Kabirdham is set aside. The petitioner is directed to file application under Section 14 of the SARFAESI Act afresh which will be considered and decided by Collector, District Kabirdham afresh in accordance with law, after affording an opportunity of hearing to all concerned parties.

6. It is made clear that this Court has not expressed any opinion on the merits of the case and all questions are left open to be considered by the competent authority in accordance with law.

7. With the aforesaid observation/direction, this Writ petition is **disposed of.**

Sd/-

(**Amitendra Kishore Prasad**)
Judge

Avinash