



2026:AHC:14705-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 2002 of 2026

Radheyshyam Borele

.....Petitioner(s)

Versus

Additional District Magistrate (Finance And
Revenue) And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Harsh Kumar Mishra
Counsel for Respondent(s)	: C.S.C., Krishna Mohan Asthana

Court No. - 1

HON'BLE AJIT KUMAR, J.
HON'BLE SWARUPAMA CHATURVEDI, J.

1. Heard Sri Harsh Kumar Mishra, learned counsel for the petitioner as well as Sri Mukul Tripathi, learned Standing Counsel for the State-respondents.
2. By means of this petition filed under Article 226 of the Constitution, petitioner has questioned the order of dated 14.02.2025 passed by the prescribed authority under Section 14 of SARFAESI Act, 2002.
3. Opposing the writ petition, learned Standing Counsel submitted that bank has proceeded under Section 13(4) of the SARFAESI Act, 2002 and application for delivery of possession is only a consequential step taken by the bank. He submits that petitioner has an alternative efficacious remedy under Section 17 of SARFAESI Act, 2002 to move before the Debt Recovery Tribunal against the auction sale.
4. Learned counsel for the petitioner could not dispute the above legal position.
5. In view of the above, we decline to interfere in the matter at this stage, however, we still provide that in the event petitioner applies before the Debt Recovery Tribunal under Section 17 of SARFAESI Act, 2002 within a period of four weeks from today along with stay application and if he does so, the said application shall be considered after putting the bank to notice and dispose of the same within a further period of four

weeks thereafter and thereafter securitization application itself shall be disposed of as expeditiously as possible preferably within a further period of two weeks.

6. With the aforesaid observations and directions, this petition stands **disposed of**.

(Swarupama Chaturvedi,J.) (Ajit Kumar,J.)

January 21, 2026
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