

The Pavana Sahakari Bank Ltd.	}	Petitioner
versus		
State of Maharashtra and Anr.	}	Respondents

Ms. Aparna Vhatkar – AGP for respondent nos. 1 and 2.

DATED :- OCTOBER 21, 2016

1. This writ petition under Article 226 of the Constitution of India prays for the following reliefs:-

b) This Hon'ble Court be pleased to allow the said M.A.No. 16/2011 preferred by the Petitioner Bank u/s 14 of SARFAESI Act with cost throughout.

2. Mr. Kanetkar appearing for the petitioner confined the request to prayer clauses (a) and (b) of the writ petition. He

would submit that the concerned District Magistrate has not bothered to pass any order on the application under section 14 of the SARFAESI Act (M. A. No. 16 of 2011) till the date of the filing of the writ petition and even now.

3. We do not see how such an application can be kept pending. If the banks are not going to be assisted by the Collectors and District Magistrates, then, the mandate of SARFAESI Act would be completely defeated. Now, the parliament has stepped in and inserted the second proviso to section 14(1) below clause (ix) of the SARFAESI Act. That requires the Chief Metropolitan Magistrate or District Magistrate to pass the order within a period of 30 days. Going by this mandate and in any event bearing in mind the nature of the proceedings, we do not think why such applications are kept pending.

4. We direct the Collector and District Magistrate, Pune to pass the requisite orders on the pending application within a period of four weeks from the date of receipt of a copy of this order. We would be constrained to adopt proceedings for non compliance of this order and direction, including under the Contempt of Courts Act, 1971, if no orders are passed on this application as directed.

5. The writ petition is disposed of accordingly. All contentions of the petitioner and that of the contesting respondents are kept open.

6. All concerned to act upon an authenticated copy of this order.

(B.P.COLABAWALLA, J.) (S.C.DHARMADHIKARI, J.)