

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2647 OF 2017

Allahabad Bank Petitioner
vs
State of Maharashtra & ors .. Respondents

Mr.V.N.Ajikumar for Petitioner
Mr.Narendra C.Walimbe Asst.Govt.Pleader
for Respondent no.1 State

CORAM: R.M.BORDE AND
A.S.GADKARI, JJ
DATE: 06 MARCH, 2017

P.C.

1. The Petitioner is seeking directions to the Chief Metropolitan Magistrate for expeditious disposal of an Application presented by the Petitioner under section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (the 'SARFEESI' Act. It is contended that though the Application is presented on 31 July 2015 no orders have been passed by the Chief Metropolitan Magistrate. The provisions of section 14 second proviso to sub-section (1) mandates that the Chief Metropolitan Magistrate after satisfying as regards contents of the Affidavit shall pass suitable orders for the purpose of taking possession of the secured assets within a period of 30 days from the date of the Application. The third proviso mandates that if the Chief

Metropolitan Magistrate or the District Magistrate as the case may be could not pass orders within a period of thirty days for reasons beyond his control, he may after recording reasons in writing for the same, pass the order within such also period but not exceeding in aggregate sixty days from the date of presentation of the Application. The Chief Metropolitan Magistrate shall abide by the mandate of law and pass appropriate orders within the time stipulated above.

With above directions, Writ Petition is disposed of.

(A.S.GADKARI, J)

(R.M.BORDE J)

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