

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN**  
**AND**  
**THE HON'BLE DR. JUSTICE SHAMEEM AKTHER**

**WRIT PETITION No.2356 OF 2017**

**ORDER:** (per Hon'ble Acting Chief Justice Ramesh Ranganathan)

The relief sought for in this Writ Petition is to set aside the order passed by the Chief Judicial Magistrate-cum-Principal Senior Civil Judge, Guntur in CrI.M.P. No.64 of 2016 dated 16.01.2017. The sole contention urged before us by Sri S. Syam Sunder Rao, Learned Counsel for the petitioner, is that, under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short the "SARFAESI Act"), power is conferred on the Chief Metropolitan Magistrate in metropolitan areas; and in non-metropolitan areas it is only the District Magistrate (District Collector) who has been conferred jurisdiction, and not the Chief Judicial Magistrate-cum-Principal Senior Civil Judge. Reliance is placed by Sri S. Syam Sunder Rao, Learned Counsel for the petitioner, on a Division bench judgment of this Court in W.P. No.5347 of 2014 dated 04.04.2014.

Doubting the correctness of the aforesaid judgment in W.P. No.5347 of 2014 dated 04.04.2014, another Division bench, by its order in W.P. No.17589 and 17625 of 2014 dated 24.07.2014, referred the following question to be decided by a Full bench:

"whether the Chief Judicial Magistrate exercising his jurisdiction in Corporation area can assist secured creditor in taking possession of secured asset and pass an order in favour of the secured creditor for the purpose of taking possession or control of any secured asset".

A Full bench of this Court, in **T.R. Jewellery v. M/s. State Bank of India**<sup>1</sup>, answered the reference holding that the nomenclature “Chief Metropolitan Magistrate” referred to in Section 14 of the SARFAESI Act was inclusive of a Chief Judicial Magistrate in a non-metropolitan area; and, as such, the Chief Judicial Magistrate, in a non-metropolitan area, had the jurisdiction to entertain an application under Section 14 of the SARFAESI Act.

The judgment of the Full bench in **T.R. Jewellery**<sup>1</sup> binds us. Reliance placed by the petitioner on the judgment of the Division bench, in W.P. No.5347 of 2014 dated 04.04.2014, is misplaced as the matter was referred to the Full bench doubting the correctness of the said judgment, and the Full bench answered the reference holding that the Chief Judicial Magistrate, in a non-metropolitan area, had jurisdiction to exercise the powers conferred under Section 14 of the SARFAESI Act. In view of the law declared by the Full bench in **T.R. Jewellery**<sup>1</sup>, the Writ Petition fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. No costs.

**RAMESH RANGANATHAN, ACJ**

**DR. SHAMEEM AKTHER, J**

Date: 25.01.2017

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<sup>1</sup> AIR 2016 Hyderabad 125