

THE HON'BLE SRI JUSTICE SANJAY KUMAR  
AND  
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

WRIT PETITION No.26184 of 2014

ORDER: (Per SK,J)

This writ petition was filed assailing the docket order dated 11.08.2014 passed by the learned Principal Assistant Sessions Judge-cum-Chief Judicial Magistrate, Chittoor, in CrI.M.P.No.44 of 2014 appointing an Advocate-Commissioner in exercise of power under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act'), to take possession of the secured asset and deliver the same to State Bank of India.

The main ground of challenge was that Section 14 of the SARFAESI Act authorises the Chief Metropolitan Magistrate alone to exercise power thereunder and therefore, the Chief Judicial Magistrate, Chittoor, had no jurisdiction to entertain the application filed by the State Bank of India.

This issue is no longer *res integra*. A Full Bench of this Court, in T.R.Jewellery v. State Bank of India<sup>1</sup>, held that the expression 'Chief Metropolitan Magistrate' in Section 14 of the SARFAESI Act must be interpreted to mean and include a Chief Judicial Magistrate in non-metropolitan areas. That apart, Sri Maruthi Jadhav, learned counsel representing Sri B.S.Prasad, learned counsel for the State Bank of India, would inform this Court that the petitioners failed to comply with the conditional order dated 05.09.2014 subject to which the impugned docket order dated 11.08.2014 in CrI.M.P.No.44 of 2014 was suspended.

On both counts, the petitioners are liable to be non-suited and the writ petition is accordingly dismissed. Interim order dated 05.09.2014 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

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JUSTICE SANJAY KUMAR

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JUSTICE GUDI SEVA SHYAM PRASAD

Date:10.07.2017  
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<sup>1</sup> (2016) 2 ALD 164 (FB)

