

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.1098 of 2014

ORDER: (Per Hon'ble Sri Justice Sanjay Kumar)

This writ petition was filed assailing the order dated 06.01.2014 passed by the learned Chief Judicial Magistrate, Nellore, in CrI.M.P. No.164 of 2013 in exercise of the power conferred by Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, 'SARFAESI Act').

By order dated 21.01.2014, this Court opined that the impugned order was without jurisdiction and accordingly granted *interim* stay of further proceedings. W.V.M.P. No.347 of 2017 was filed by the respondent-bank to vacate the said *interim* stay order.

The ground on which the petitioner challenged the order dated 06.01.2014 passed in CrI.M.P. No.164 of 2013 was that Section 14 of the SARFAESI Act only empowers the Chief Judicial Magistrate to exercise power to pass orders thereunder and therefore, the learned Chief Judicial Magistrate had no authority to do so.

This issue is no longer *res integra*. A Full Bench of this Court held in T.R. Jewellery and others v. State Bank of India and others¹ that the expression 'Chief Metropolitan Magistrate' in Section 14 of the SARFAESI Act is inclusive of the Chief Judicial Magistrates in non-metropolitan areas. In that view of the matter, this writ petition does not survive for consideration on merits and is accordingly dismissed.

¹ 2016(2) ALD 164 (F.B.)

Interim order dated 21.01.2014 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

Dr. SHAMEEM AKTHER, J

25th July, 2017

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