

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

WRIT PETITION Nos.17589 and 17625 of 2014:
3687, 5741, 5764, 5790 and 7897 of 2015

COMMON ORDER: (Per Justice Sanjay Kumar)

The issue that arises for consideration in this batch of cases is as to whether the Chief Judicial Magistrate in a non-metropolitan area would have jurisdiction to entertain an application filed by the secured creditor under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act').

This issue stands settled by the decision of the Full Bench of this Court in TR Jewellery, Nellore v. SBI, Vedayapalem Branch, Nellore¹ holding to the effect that the expression 'Chief Metropolitan Magistrate' in Section 14 of the SARFAESI Act is inclusive of a Chief Judicial Magistrate in non-metropolitan areas.

That being so, the controversy does not survive for consideration afresh in these cases. The orders under challenge passed in exercise of power under Section 14 of the SARFAESI Act by Chief Judicial Magistrates therefore do not brook any interference on the ground of jurisdiction.

The writ petitions are accordingly dismissed in terms of the judgment of the Full Bench of this Court referred to supra.

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

SANJAY KUMAR, J

GUDI SEVA SHYAM PRASAD, J

13th July, 2017
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¹ 2016 (2) ALD 164 (FB)