

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE MS. JUSTICE J. UMA DEVI

WRIT PETITION NO.38253 OF 2017

ORDER

(Per Hon'ble Sri Justice Sanjay Kumar)

Challenge in this writ petition is to the order dated 27.10.2017 passed by the learned Chief Metropolitan Magistrate, Ranga Reddy District at L.B.Nagar, in CrI.M.P.No.924 of 2017, a petition filed by Standard Chartered Bank, the secured creditor, under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, 'the SARFAESI Act'). As only the Advocate Commissioner's warrant issued pursuant to the aforesaid exercise by the learned Chief Metropolitan Magistrate, Ranga Reddy District at L.B.Nagar, was placed before this Court, the learned counsel for the bank was asked to ascertain as to whether any independent order was passed by the learned Chief Metropolitan Magistrate, Ranga Reddy District at L.B.Nagar, recording satisfaction in terms of Section 14 of the SARFAESI Act.

Today, Sri R.Raghunandan, learned senior counsel appearing for Sri T.Vinod Kumar, learned counsel for the bank, would concede before this Court that the Docket order passed by the learned Chief Metropolitan Magistrate, Ranga Reddy District at L.B.Nagar, does not meet the requirements of the statutory provision.

The Advocate Commissioner's warrant issued pursuant to the order dated 27.10.2017 in CrI.M.P.No.924 of 2017 on the file of the learned Chief Metropolitan Magistrate, Ranga Reddy District at L.B.Nagar, is accordingly set aside and the matter is remitted for consideration afresh of the petition. The learned Chief Metropolitan Magistrate, Ranga Reddy District at

L.B.Nagar, shall be mindful of the requirements as set out by the Supreme Court in *STANDARD CHARTERED BANK V/s. V.NOBLE KUMAR*¹ and the directions of this Court, following the said judgment, in *ANANTHA REDDY NADEAGUONI V/s. UNION OF INDIA REP. BY ITS SECRETARY, MINISTRY OF FINANCE, NEW DELHI*². All issues are left open to be considered on their own merits and in accordance with law. As this is the second round, the learned Chief Metropolitan Magistrate, Ranga Reddy District at L.B.Nagar, shall adhere to the time stipulation in the provision treating the application as having been filed on the date of receipt of a copy of this order.

The writ petition is allowed to the extent indicated above. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.



SANJAY KUMAR, J

J. UMA DEVI, J

15th NOVEMBER, 2017

Sv

¹ (2013) 9 SCC 620

² 2016 (5) ALT 284 (D.B.)