

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Writ Petition No.5002/2018

Angad s/o Natthuji Tayade

Vs.

The District Magistrate/Czaollector, Amravati and two others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

CORAM : S. B. SHUKRE, J.

DATED : AUGUST 13, 2018

Heard Shri G.R.Sadar, learned counsel for the petitioner and Shri V.P.Maldhure, learned AGP, who appears and waives notice for respondent no. 1. I do not think it necessary to issue notice to the remaining respondents as the petition can be disposed of on summary basis after considering the impugned order and the documents placed on record.

On going through the order passed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, (for short, SARFAESI Act, 2002) by the respondent no.1, I do not think that any of the essential conditions required for exercising such a power by the District Magistrate has been flouted by the learned District Magistrate. It is seen from the impugned order that the learned District Magistrate on the basis of the documents placed before him, was satisfied that certain amount, inspite of repeated reminders being made, was not

repaid by the petitioner and since the loan amount that was outstanding against the petitioner was secured by an asset, the learned District Magistrate has passed the impugned order.

Such an order cannot be found to be patently illegal or manifestly perverse so as to make any interference with the same. If the petitioner has any grievance about the merits of the claim, the remedy is available to him under the provisions of SARFAESI Act, 2002 or may be under Article 227 of the Constitution of India, subject to just objections, if any, in the matter.

There is no merit in this petition. The petition stands summarily dismissed. No costs.

JUDGE

Andurkar