

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2332 of 2019**

Capital First Limited, Through Its Collection Manager Namely Irfan Khan, S/o. Mr. Mehaman Khan, Aged About 30 Years, Address – C/o. IDFC Bank Ltd, D.B. City Office 6th Floor, D.B. City Corporate Park, Rajbandha Maidan, G.E. Road, Raipur, District Raipur, Chhattisgarh.

---- Petitioner**Versus**

1. Rakesh Kumar Daswani, S/o. Udhavdas Daswani, Aged About 45 Years.
2. Smt. Preeti Daswani, W/o. Shri Rakesh Kumar Daswani, Aged About 40 Years.

Both are R/o. Quarter No.13, Aishwarya Residency, Telibandha, Raipur, Chhattisgarh.

3. The District Magistrate, Raipur, District Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Dharmesh Shrivastava, Advocate
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Hon'ble Shri Justice Goutam Bhaduri**Order On Board****11.07.2019**

1. The instant writ petition is filed for the following reliefs :

(i) That, this Hon'ble Court may kindly be pleased to call for the entire records pertaining to the petitioner for perusal of this Hon'ble Court.

(ii) That, this Hon'ble Court may kindly be pleased to direct the respondent No.3 to pass an appropriate order at the earliest in case No.34/B-121/2018-19 which is an application under Section 14 of the Securitization & Reconstruction Financial Assets & Enforcement of Security Interest of Act, 2012 and pending since 04.12.2018.

(iii) Cost of the petition be allowed.

(iv) Any other relief may also be granted to the petitioner which this Hon'ble Court feels fit according to facts and circumstances of the case.

2. Learned counsel for the petitioner would submit that the petitioner has preferred an application under Section 14 of the Securitisation &

Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002 (for short "SARFAESI Act") before the District Magistrate to take possession of the secured property on 04.12.2018 but till date no final orders have been passed.

3. The proviso clause of Section 14 of the SARFAESI Act reads as under :

"Provided further that on receipt of the affidavit from the Authorised Officer, the District Magistrate or the Chief Metropolitan Magistrate, as the case may be, shall after satisfying the contents of the affidavit pass suitable orders for the purpose of taking possession of the secured assets within a period of thirty days from the date of application."

4. Reading of the said section would show that when the application is preferred with the affidavit, the District Magistrate or Chief Metropolitan Magistrate shall pass the order within a period of 30 days from the date of application.
5. Perusal of Annexure P-1 do not show that the orders have been passed. In view of this, the District Magistrate/Respondent No.3 is directed to pass suitable orders, in accordance with Section 14 of the SARFAESI Act within a period of 30 days from the date of receipt of a copy of this order.
6. With such observation, the petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge