

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6770 OF 2019

The Pune People's Co-op. Bank Ltd. & Anr. .. Petitioners
Vs.
The District Magistrate and the
District Collector, Thane & Anr. .. Respondents

.....

Kirit J. Hakani a/w. Niyati Hakani, Advocate for the Petitioners.
Ms.Geetanjali Shinde, AGP for Respondents – State.

.....

**CORAM : A.A. SAYED AND
PRAKASH D. NAIK, JJ.**

DATED : JUNE 24, 2019.

P.C. :

This Petition is filed by Petitioner–Bank, seeking the following reliefs:

- “a) *That this Hon'ble Court may be pleased to issue writ of mandamus or writ in nature of mandamus or any other appropriate writ, order or directing the Respondent No.1 herein to exercise its powers under Section 14 of the SARFAESI Act, thereby to take possession of the Secured Assets and hand over the same alongwith its documents to the Petitioners herein, as prayed for in the application*

dated 7th September, 2018 (Exh.A hereto) made by the Petitioners to the Respondent No.1 under Section 14 of the SARFAESI Act.”

2 The relevant provisos of Section 14(2) of the SARFAESI Act, read as follows:

“ Provided further that on receipt of the affidavit from the Authorized 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.

Provided also that if no order is passed by the Chief Metropolitan Magistrate or the District Magistrate within the said period of 30 days for the reason beyond his control, he may after recording reasons in writing for the same, pass the orders within such further period not exceeding aggregate 60 days.”

4 In the present case, the Application under Section 14 was filed by the Petitioner on 7th August, 2018. Even if the grace period of 30 days is taken into account, the Application ought to have been

decided on or before 6th November, 2018. The Application, however, has so far not been decided. Hence, we pass the following order:

:: ORDER ::

- (i) Respondent No.1, District Magistrate and District Collector, Thane shall decide the Application of the Petitioner under Section 14 of the *SARFAESI* Act, as expeditiously as possible and in any event before 19th August, 2019;
- (ii) The Writ Petition is disposed of in the above terms.

(PRAKASH D. NAIK, J.)

(A.A. SAYED, J.)