

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 889 of 2021**

India Infoline Housing Finance Limited, A Housing Finance Company incorporated under the Companies Act, 1956 having its registered office at India Infoline Housing Finance Limited, 12A-10, 13th Floor, Parinee Crescenzo, No.C-38 & C-39, G- Block, Behind MCA, Bandra Kurla Complex, Bandra East, Mumbai-400 051 And Branch Office At India Infoline Housing Finance Limited, 1st Floor, Nagdev Plaza, Block-A, Kachahari Chowk Jail Road, Raipur-492 001

Represented by its Authorised Officer- Rajbeer Singh Siddhu, 28yrs, S/o Harjeet Singh Siddhu, Collection Manager, MD-50, Hirapur, Raipur

---- Petitioner

Versus

1. District Magistrate, Raipur
2. Tehsildar, Raipur
3. Mr. Vishal Chopda, House No. 8, State Bank Colony, Tagore Nagar, Tikrapara, Raipur 492001 Also At Chopda's Chasma Ghar, Shop# D/7, Ravi Bhavan, Jai Stambh Chowk Raipur
4. Dipali Chopda, House No. 8, State Bank Colony, Tagore Nagar, Tikrapara, Raipur 492001

---- Respondents

For petitioner – Shri Raja Sharma, Advocate.

For State- Smt. Richa Shukla, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/02/2021

Heard.

1. The submission of the petitioner is that a measure under Section 13 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as 'the SARFAESI Act') was availed against the respondents No.3 & 4 as they failed to pay back the amount availed from the petitioner. Subsequently an application under Section 14 was filed under the SARFAESI Act which was pending decision. As such a petition was filed before this Court wherein in WPC No.766/2020 on 27/02/2020 this Court has directed the District Magistrate to decide the application under Section 14 of the SARFAESI Act. Pursuant thereto the District Magistrate on 7/12/2020 has decided the application of the petitioner and directed to hand over the physical possession of

the mortgaged property. Learned counsel submits that thereafter the District Magistrate in order to comply the order under Section 14(1)(a) of the SARFAESI Act has authorized the Tehsildar and transferred the case for taking over possession by the Tehsildar, however the Tehsildar has not taken any steps and thereby order dated 7/12/2020 is not been made effective as it is not been executed. It is further submitted that therefore the petitioner has made an application to the Tehsildar, Raipur on 28/12/2020 (Annexure P-1) and subsequent letter dated 13/01/2021 but nothing has transpired, therefore the Tehsildar may be directed to conclude the proceeding as directed by the District Magistrate within a stipulated time.

2. Perusal of the documents which is filed in this petition would show that the District Magistrate has already passed an order on 7/12/2020 and has directed to take over the possession of the mortgaged property and the petitioner thereafter has made an application to the Tehsildar for conclusion of the execution proceeding. It appears that the Tehsildar has been delegated to take possession in view of Section 14(1)(a) of the SARFAESI Act, therefore respondent No.2, Tehsildar Raipur is directed to execute the order of the District Magistrate dated 7/12/2020 within a period of 30 days from the date of receipt of this order.

3. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE