

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1888 of 2021

Aditya Birla Housing Finance Limited Through Its Authorized Officer Having Its Registered Office At Indian Rayon Compound, Verawal, Gujrat-362266 And Branch Office At No. 404, 4th Floor, Camac Square, 24, Camac Street, Kolkata-700016, Through Its Authorized Officer Mr. Pallab Kumar Chatterjee.

---- Petitioner

Versus

1. District Magistrate, Raipur, Add- Collectorate, Kutchery Chowk, Raipur, Chhattisgarh-492001
2. Naib Tehsildar-Cum-Executive Magistrate Raipur, Chhattisgarh-492001.
3. Mr. Santosh Bhandari, R/o. H.No. C/53/5, Devendra Nagar, Sector-5, Raipur, Chhattisgarh 492001.
4. Ms. Manju Bhandari, R/o. H.No. C/53/5, Devendra Nagar, Sector-5, Raipur, Chhattisgarh-492001.
5. M/s. SB Bazar Private Limited, Through Its Director- Mr. Santosh Bhandari, B-38, Sector 4, Devendra Nagar, Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Hemant Gupta, Advocate
For State	:	Ms. Richa Shukla, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

13.04.2021

Heard

1. Grievance of the petitioner is that an order under Section 14 of the Securitisation & Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002 (*for short "SARFAESI Act"*) was passed against the respondents to hand over the possession of the secured property, despite the order was passed on 17.02.2020 by the District Magistrate Raipur and the same having been forwarded to the Naib Tahsildar, respondent No.2, it has not been carried out. Therefore, it is stated that since one year has passed, the Naib Tahsildar may be directed to carry out the order of the District Magistrate within a short period of time.
2. Section 14 (1A) of the SARFAESI Act purports that the District

Magistrate and the Chief Metropolitan Magistrate may authorise any officer subordinate to him to take possession of such assets and documents relating thereto and forward such assets and documents to the secured creditor. Since the order has already been passed on 17.02.2020 by the District Magistrate Raipur and the direction has been passed that the Tahsildar to carry out the execution of the order, the Naib Tahsildar, respondent No.2 is directed to comply the order dated 17.02.2020 within a period of 60 days.

3. With the aforesaid observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Aks