

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3019 of 2021**

- IIFL Home Finance Limited (Formely Known As India Infoline Housing Finance Limited) 1st Floor , Lal Ganga City Mart , Motibagh Chowk, Opposite Hotel Amit Regency, Raipur Chhattisgarh, Through Collection Manager Sumit Singh Rajput

---- Petitioner**Versus**

1. District Magistrate Raipur Chhattisgarh.
2. Tehsildar Raipur Chhattisgarh.
3. Smt. Fenny Jaiprakash W/o Jay Prakash
4. Jay Prakash Singh
5. Jeff Yash Prakash

R- 3 to 5 are R/o. Devendra Nagar, Balaji Temple Sector 2, Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Raja Sharma, Advocate
For State	:	Mr. Siddharth Dubey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****27.07.2021**

1. Heard.
2. 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 to 5 as they failed to pay back the amount of the loan availed by them from the petitioner institution. Subsequently, an application under Section 14 of the SARFAESI Act was filed

before the Collector/ District Magistrate under the SARFAESI Act which was decided on 19.02.2018 and the Collector/ District Magistrate had directed to hand over the physical possession of the mortgaged property to the petitioner. It is submitted that though the order mandates that the Tehsildar would comply with the order with the help of the Superintendent of Police, but the same has not been carried out till date though the considerable time has passed.

3. Perusal of the order dated 19.02.2018 (Annexure P/1) passed under Section 14 of the SARFAESI Act, the Collector/ District Magistrate has directed to hand over the possession of the mortgaged property to the petitioner through the Tehsildar and the Tehsildar was delegated to carry out the order. It appears that the Tehsildar was delegated to take the possession in view of Section 14(1)(a) of the SARFAESI Act and the considerable time has been passed till date. If the order is not set-aside, the Tehsildar is directed to execute the order of the Collector/ District Magistrate dated 19.02.2018 within a period of 60 days from the date of receipt of this order.
4. With the above direction/observation, this writ petition stands disposed off.

Sd/-

(Goutam Bhaduri)
Judge