

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3127 of 2021

IIFL Home Finance Ltd. A Housing Finance Company Incorporated Under The Companies Act, 1956 Having Its Registered Office At IIFL House, Sun Infotech Park, Road No. 16V, Plot No. B-23, MIDC, Thane Industrial Area, Wagle Estate, Thane-400604 And Branch Office At IIFL Home Finance Limited, 1st Floor, Lal Ganga City Mart, Banjari Chowk, In Front Of Hotel Amit Raipur- 492001. Represented By Its Authorised Officer- Sumit Singh Rajput, S/o. Praduman Singh, Aged About 30 Years, Working As Collection Manager, At IIFL Home Finance Limited, 1st Floor, Lal Ganga City Mart, Banjari Chowk, In Front Of Hotel Amit Raipur, Chhattisgarh.

---- Petitioner

Versus

1. District Magistrate, District- Durg, Chhattisgarh.
2. The Tehsildar, District- Durg, Chhattisgarh.
3. The Superintendent Of Police, District- Durg, Chhattisgarh
4. M/s. Vesser Engineering Services Pvt. Ltd. Through Its Proprietor- Shri Sukhjeet Singh Dhami, S/o. Shri Gyan Singh Dhami, At 108, New Civic Centre, Bhilai, District- Durg, Chhattisgarh.
5. Shri Sukhjeet Singh Dhami, S/o. Shri Gyan Singh Dhami.
6. Shri Manmeet Singh Dhami, S/o. Gyan Singh Dhami.
7. Shri Baljeet Singh Dhami, S/o. Shri Gyan Singh Dhami.

Respondent No.5 to 7 are R/o. House No. 417, Road No. 01 B, Smriti Nagar, Junwani Road, Motilal Nehru Nagar, Bhilai, Tehsil And District- Durg, Chhattisgarh.

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For Petitioner	:	Mr. Vedant Bhelonde with Mr. Palash Shrivastava, Advocates
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For State	:	Mr. Siddharth Dubey, Dy. Govt. Advocate
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Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.08.2021

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. 4 to 7 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 11.11.2020 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.

2. Perusal of the order dated 11.11.2020 (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 11.11.2020 within a period of 60 days from the date of receipt of this order.
3. With the above direction/observation, this writ petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge