

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3768 of 2021**

- I.I.F.L. Home Finance Limited Through The Authorized Officer Mr. Sumeet Singh Rajput S/o Praduman Singh , Aged About 30 Years, Designation Collection Manager , Branch Office Raipur , First Floor, Lal Ganga City Mall, Banjari Chowk, Infront Of Hote Amit, Raipur District Raipur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The District Magistrate Cum Collector Durg, District Durg Chhattisgarh.
2. Tahsildar Cum Executive Magistrate Durg, District Durg Chhattisgarh.
3. Naib Tahsildar Durg, District Durg Chhattisgarh.
4. Suresh Kumar S/o Shri Appukuttan Aged About 48 Years Resident Of Plot No. B/175, Road No. 07, Smreeti Nagar , Junwani Bhilai, Tahsil And District Durg Chhattisgarh.,
5. Smt. Sunita W/o Suresh Appukuttan Aged About 43 Years Resident Of Plot No. B/175, Road No. 07, Smreeti Nagar , Junwani Bhilai, Tahsil And District Durg Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Atanu Ghosh, Advocate
For the State/Respondents	:	Mrs. Astha Shukla, P.L.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****20.09.2021**

1. Heard.
2. The submission of the petitioner is that a measure under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (For short 'the SARFAESI Act') was availed against respondents No. 4 & 5 as they failed to repay 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 30.11.2019 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 30.11.2019 (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 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 30.11.2019 within a period of 90 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