

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 4922 of 2021**

1. I.I.F.L. Home Finance Limited Through- The Authorized Officer- Mr. Ashok Awasthi S/o Gopal Ram Sharma Aged About 42 Years, Designation State Legal Manager, Branch Officer Raipur, First Floor, Lal Ganga City Mall, Banjari Chowk, Infront Of Hotel Amit, Raipur, District Raipur (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- The District- Magistrate Cum Collector Raipur, District- Raipur (C.G.)
2. Tahsildar Cum Executive Magistrate Raipur, District Raipur (C.G.)
3. Additional Tahsildar Raipur, District- Raipur (C.G.)
4. Shri Jayant Gaidhane S/o Shri Fulchand Gaidhane Aged About 52 Years R/o 365, New Shanti Nagar, Shankar Nagar, Raipur, Tahsildar And District- Raipur (C.G.)
5. Smt. Namrata Gaidhane W/o Shri Jayant Gaidhane Aged About 48 Years R/o 365, New Shanti Nagar, Shankar Nagar, Raipur, Tahsildar And District- Raipur (C.G.)

----Respondents

For Petitioner	:	Mr. Shashank Thakur, Advocate.
For State	:	Ms. Sameeksha Gupta, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09.12.2021**

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 23.08.2021 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 23.08.2021 (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 23.08.2021 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/-
P. Sam Koshy
Judge**