



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.445 OF 2024

Union Bank of India, Assets Recovery Branch at Gokulpeth, Nagpur

-VS-

The State of Maharashtra, Thr. the Collector, Nagpur and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri S. D. Ingole, Advocate for petitioner.

Ms N. P. Mehta, Additional Government Pleader for respondents.

CORAM : NTIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : February 26, 2024

1. In compliance with the order dated 12/02/2024, the respondents have tendered detail affidavit in reply on record. Paragraphs 11 and 12 of the affidavit in reply filed on behalf of respondent Nos.1 and 2 read thus :

“ 11. It is submitted that, in pursuance of the directions given by this Hon'ble High Court in the present matter vide said order dated 12/02/2014 that “to have the response of the District Magistrate as to the mode and manner he intends to provide dedicated desk for taking similar orders which are pending execution to its logical end”, the answering respondent has called upon all the Tahsildars in Nagpur District inviting their attention that in various matter the orders passed by the District Magistrate Nagpur in exercise of powers under Section 12(2) of the SARFAESI Act are not taken to its logical ends and as such called information of such orders from them, which are reproduced here in below :

Sr.No.	Name of office of Tahsils in Nagpur District	Number of pending cases
1	Tahsil Office Nagpur City	142

2	<i>Tahsil Office Nagpur Gramin</i>	136
3	<i>Tahsil Office Hingna</i>	17
4	<i>Tahsil Office Umred</i>	8
5	<i>Tahsil Office Kuhi</i>	4
6	<i>Tahsil Office Bhivapur</i>	2
7	<i>Tahsil Office Mouda</i>	7
8	<i>Tahsil Office Kamptee</i>	42
9	<i>Tahsil Office Ramtek</i>	11
10	<i>Tahsil Office Parseoni</i>	5
11	<i>Tahsil Office Saoner</i>	36
12	<i>Tahsil Office Katol</i>	22
13	<i>Tahsil Office Kalmeshwar</i>	12
14	<i>Tahsil Office Narkhed</i>	Nil
<i>Total</i>		444

12. *It is further submitted that, in view of the such huge pendency regarding implementation of orders passed under Section 14(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act, 2002) and as directed by this hHon'ble High Court vide order dated 12.02.2024 in the present matter to provide dedicated desk with a view to undertake the process to implement the orders passed under Section 14(2) of the SARFAESI Act, 2002 to its logical ends, the answering respondent has constituted a dedicated desk comprising of (1) a Tahsildar (General), collector Office, Nagpur, (2) a Naib Tahsildar (Home), Collector Office, Nagpur and (3) a Reader (Home), Collector Office,*

*Nagpur having following mode and manner to its functioning for bringing the orders passed under Section 14(2) of the SARFAESI Act, 2002 by District Magistrate, Nagpur to its logical ends vide order dated 22.02.2024. The copy of the order dated 22.02.2024 constituting a dedicated desk is annexed and marked herewith at **Annexure R-1** for the kind perusal of this Hon'ble High court.*

Mode and Manner of a Dedicated Desk

- 1. A separate register should be prepared and recorded by the officer/employees posted in dedicated desk in respect of the pending cases at Tahsil level in pursuance to the orders passed by the District Magistrate Nagpur under Section 14(2) of the SARFAESI Act, 2002 which are not implemented.*
- 2. Taking up-to-date information from Tahsil Office of all pending cases regarding reasons for delay and after receiving such information the same should be submitted to the District Magistrate/Additional District Magistrate, Nagpur every fortnight.*
- 3. The said dedicated desk through Tahsildar as soon as possible and any under the circumstances, the Dedicated Desk should follow up individual case information in coordination with the concerned Tahsildar for its logical ends within two months from the date of passing the order.*
- 4. By preparing a monthly summary of the cases ordered by the District Magistrate and the pending cases for its implementation should be submitted to the District Magistrate/Additional District Magistrate, Nagpur.*
- 5. A monthly review will be conducted under the chairmanship of the District Magistrate/Additional District Magistrate pursuant to the pending cases under SARFAESI Act.*

After receiving information about the updated action from all the Tahsil offices in pursuance to the action taken under orders passed under Section 14(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act, 2002) should be submitted to the District Magistrate/Additional District Magistrate for information.”

2. The contents of paragraphs 11 and 12 of the said affidavit are accepted. In view of the same in our opinion, the grievance of the petitioner stands redressed.
3. That being so, the writ petition is disposed of. No costs.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)