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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 14360/2025

INDIAN OVERSEAS BANK

.....Petitioner

Through: Ms. Arpana Gupta, Ms. Aparajita
Singh and Mr. Nitin Kaushal, Advocates.

versus

GOVT OF NCT OF DELHI AND ANR

.....Respondents

Through:

86.

+ W.P.(C) 14366/2025

INDIAN OVERSEAS BANK

.....Petitioner

Through: Ms. Aparna Gupta, Ms. Aparajita
Singh and Mr. Nitin Kaushal, Advocates.

versus

GOVT OF NCT OF DELHI AND ANR

.....Respondents

Through:

90.

+ W.P.(C) 14386/2025

INDIAN OVERSEAS BANK

.....Petitioner

Through: Ms. Aparna Gupta, Ms. Aparajita
Singh and Mr. Nitin Kaushal, Advocates.

versus

GOVT OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Swapan Singhal, Advocate for
Mr. Sameer Vashishth, Standing Counsel (Civil),
GNCTD/R1.



CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
17.09.2025

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CM APPL. 58805/2025 (exemption) in W.P.(C) 14360/2025
CM APPL. 58820/2025 (exemption) in W.P.(C) 14366/2025
CM APPL. 59054/2025 (exemption) in W.P.(C) 14386/2025

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

W.P.(C) 14360/2025
W.P.(C) 14366/2025
W.P.(C) 14386/2025

3. The present petitions have been filed by petitioner seeking following reliefs:

W.P.(C) 14360/2025

“a) Issue a Writ in the nature of Mandamus directing the Respondent No. 2 through its concerned court to forthwith pass an appropriate order on the Petitioner’s application under Section 14 of the SARFAESI Act, 2002, for taking physical possession of the mortgaged/secured property bearing “Entire First Floor without roof rights of Built Up Freehold Property bearing No. S-4/90 (Old No. WZ-144-B), Built on Plot No. 30, Land area measuring 200 Sq. Yds. (30’ X 60’), Out of Khasra No. 1 Etc, 64(0/351/1/64), situated in the area of Village Nangli Jalib, Delhi State, Delhi, Colony Known as Old Mahavir Nagar, Gali No. 4, New Delhi-110018” and hand over the same to the Petitioner Bank, as the Respondent No. 2 is under a statutory obligation to provide such assistance in terms of Section 14 of the SARFAESI Act, 2002;

b) Direct the Respondent No.2 to ensure compliance with the



statutory time limits prescribed under Section 14 of the SARFAESI Act in the Petitioner's case;

c) Dispense with advance notice to the Respondent No.2.

d) Award the costs of the present writ petition to the Petitioner”

W.P.(C) 14366/2025

“Issue a Writ in the nature of Mandamus directing the Respondent No. 2 through its concerned court to forthwith pass an appropriate order on the Petitioner's application under Section 14 of the SARFAESI Act, 2002, for taking physical possession of the mortgaged/secured property bearing “Entire Second Floor without Roof rights, out of Built up Freehold Property bearing No. S-4/90 (Old No.WZ-144-B), Built on Plot No. 30, Land area measuring 200 Sq. Yds. (30' X 60'), Out of Khasra No. 1Etc/64, situated in the Area of Village Nangli Jalib, Delhi State, Delhi, Colony known as Old Mahavir Nagar, Gali No.4, New Delhi – 110018.” and hand over the same to the Petitioner Bank, as the Respondent No. 2 is under a statutory obligation to provide such assistance in terms of Section 14 of the SARFAESI Act, 2002;

a) Direct the Respondent No. 2 to ensure compliance with the statutory time limits prescribed under Section 14 of the SARFAESI Act in the Petitioner's case;

b) Dispense with advance notice to the Respondent No. 2.

c) Award the costs of the present writ petition to the Petitioner”

W.P.(C) 14386/2025

“a) Issue a Writ in the nature of Mandamus directing the Respondent to forthwith pass an appropriate order on the Petitioner's application under Section 14 of the. SARFAESI Act, 2002, for taking physical possession of the mortgaged/secured property bearing "Entire Ground Floor without roof rights, out of freehold property bearing No. S-4/90 (Old No. WZ-144-B), Built on Plot No. 30, Land area measuring 200 sq. yards (30' X 60'), Out of Khasra No.1 Etc/64, situated in the area of Village



Nangli Jalib, Delhi State, Delhi, Colony known as Old Mahavir Nagar, Gali No.4, New Delhi - 110018." and hand over the same to the Petitioner Bank, as the Respondent is under a statutory obligation to provide such assistance in terms of Section 14 of the SARFAESI Act, 2002;

b) Direct the Respondent to ensure compliance with the statutory time limits prescribed under Section 14 of the SARFAESI Act in the Petitioner's case;

c) Dispense with advance notice to the Respondent and exempt the Petitioner from filing the original/certified copies of Annexures P-I to P-4 and permit filing of true typed copies of Annexures P-I to P-4; and

d) Award the costs of the present writ petition to the Petitioner"

4. Ms. Arpana Gupta, learned counsel appearing on behalf of petitioner submits that petitioner Bank is a secured creditor and had invoked the provisions of SARFAESI Act, 2002 [hereinafter the 'Act'] by giving notice to the borrower under Section 13 (2) which was followed by a notice under Section 13(4) of the Act.

5. She submits that for the purpose of taking physical possession of the property, assistance of the Learned Chief Judicial Magistrate (CJM) was sought by the petitioner by filing an application under Section 14 of the Act.

6. She submits that the said application was filed on 30.07.2024, which came to be registered on 02.08.2024. Thereafter the matter has been repeatedly adjourned. However, vide order dated 06.08.2025, petitioner was again directed to file requisite affidavit of Chief Manager of the concerned Branch and the matter is now listed on 18.09.2025.

7. She contends that affidavit of authorized officer of the Bank was filed even at the time of filing an application under Section 14 of the Act.



However, pursuant to the order dated 06.08.2025, petitioner has again filed the requisite affidavit of the Chief Manager.

8. She submits that the period prescribed under Section 14 of the Act for the disposal of an application under the said provision is 30 days which can be extended for an aggregate period of 60 days for reasons to be recorded in writing.

9. She submits that as the petition was filed on 30.07.2024, a period of more than one year has elapsed, but the application under Section 14 of the Act has not been disposed of.

10. This Court has perused various orders of the learned CJM placed on record which suggests that the matter has been adjourned most of the time without any justification.

11. Having regard to the submissions articulated by Ms. Gupta as well as the orders of learned CJM placed on record, the present petition is disposed of with a direction to the learned CJM to dispose of the applications of the petitioner/Bank under Section 14 of the Act within a period of four weeks from today.

12. The petitions stand disposed of.

13. A copy of this order be given *dasti* under the signatures of Court Master.

VIKAS MAHAJAN, J

SEPTEMBER 17, 2025/jg