**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Civil Writ Jurisdiction Case No.6658 of 2026**

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Kumari Kanchan Bala, wife of Ashok Kumar, Resident of village- Kenar Khurd, P.S-Chenari, Sikrour, District- Rohtas, Bihar Presently residing at ward no. 28, Company Sarai, Near Bal Vikas Vidalaya P.S- Sasaram Town, District- Rohtas.

... ... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Sasaram, Rohtas.
2. The Assistant General Manager, Punjab National Bank, Circle Office- Patna, 2nd Floor, Chanakya Tower, R-Block, Chauraha, Patna 800001.
3. The Branch Manager, Asset Recovery Management Branch, Aurangabad, Bihar.
4. The Authorized Officer, Asset Recovery Management Branch, Aurangabad, Bihar.

... ... Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Ashish, Advocate. |
| For the Respondent/s | : | Mr. Sunil Kr. Mandal, SC 3 with |
| | | Mr. Neelam Kumari, AC to Sc 3. |
| For the PNB | : | Mr. Mritunjay Kumar, Advocate. |
| | | Ms. Shilpi Singh, Advocate. |

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**CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY**

ORAL ORDER

2 30-04-2026 Learned counsel appearing on behalf of the petitioner submits that the petitioner is an auction-purchaser of the subject property and she has also been issued the sale certificate. Learned counsel submits that though the sale certificate was issued on 15.11.2025, the physical possession of the subject property has not been handed over till now.

2. Learned counsel appearing on behalf of the

Respondent-Punjab National Bank, on instructions, submits that the necessary requisition has already been made to the District Magistrate, Sasaram, Rohtas *vide* letter dated 745/2025 dated 14.11.2025 under Section 14 of the SARFAESI Act. However, the District Magistrate, Sasaram, Rohtas is yet to take over the physical possession of the subject property. Learned counsel, therefore, prays this Hon'ble Court to direct the District Magistrate to act on the application made by the Respondent-Bank so as to enable them to hand over the physical possession of the subject property to the petitioner.

3. Having regard to the above made submissions, without going into the merits or demerits of the case, the present writ petition is disposed of directing the District Magistrate, Sasaram, Rohtas i.e. Respondent No. 1 herein to act on the letter No. 745/2025 dated 14.11.2025 issued by the Respondent-Punjab National Bank at the earliest. The authority shall duly take into consideration the judgment of the Hon'ble Supreme Court in the case of ***Balkrishna Rama Tarle Dead through legal representatives and Anr. Versus Phonix ARC Private Limited and Ors.*** reported in ***(2023) 1 Supreme Court Cases 662,*** whereby the Hon'ble Supreme Court has held as under:-

*"15. On a fair reading of Section 14 of the SARFAESI Act, it appears that for taking possession of the secured assets in terms of Section 14(1) of the SARFAESI Act, the secured creditor is obliged to approach the District Magistrate/Chief Metropolitan Magistrate by way of a written application requesting for taking possession of the secured assets and documents relating thereto and for being forwarded to it (secured creditor) for further action.*

*16. The statutory obligation enjoined upon the CMM/DM is to immediately move into action after receipt of a written application under Section 14(1) of the SARFAESI Act from the secured creditor for that purpose. As soon as such an application is received, the CMM/DM is expected to pass an order after verification of compliance of all formalities by the secured creditor referred to in the proviso in Section 14(1) of the SARPAESI Act and after being satisfied in that regard, to take possession of the secured assets and documents relating thereto and to forward the same to the secured creditor at the earliest opportunity. As observed and held by this Court in NKGSB Coop. Bank Ltd. v. Subir Chakravarty [NKGSB Coop. Bank Ltd. v. Subir Chakravarty, (2022) 10 SCC 286: (2023) 1 SCC (Cri) 157], the aforesaid act is a ministerial act. It cannot brook delay. Time is of the essence and this is the spirit of the special enactment.*

*18. Thus, the powers*

> *exercisable by CMM/DM under Section 14 of the SARFAESI Act are ministerial steps and Section 14 does not involve any adjudicatory process qua points raised by the borrowers against the secured creditor taking possession of the secured assets. In that view of the matter once all the requirements under Section 14 of the SARFAESI Act are complied with/satisfied by the secured creditor, it is the duty cast upon the CMM/DM to assist the secured creditor in obtaining the possession as well as the documents related to the secured assets even with the help of any officer subordinate to him and/or with the help of an advocate appointed as Advocate Commissioner. At that stage, the CMM/DM is not required to adjudicate the dispute between the borrower and the secured creditor and/or between any other third party and the secured creditor with respect to the secured assets and the aggrieved party to be relegated to raise objections in the proceedings under Section 17 of the SARFAESI Act, before the Debts Recovery Tribunal."*

and take necessary steps for taking over the physical possession of the subject property and intimate the same to the Respondent-Bank so as to enable them to hand over the physical possession of the subject property to the petitioner herein. The authority shall endeavour to complete the process as expeditiously as possible preferably within a period of 6 weeks from the date of the receipt of the copy of this order.

4. With the above directions, the present writ petition stands disposed of.

**(A. Abhishek Reddy, J)**

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