

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10425 of 2026

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CHOLAMANDALAM INVESTMENT and FINANCE CO. LTD. having its Registered office at CHOLA CREST C-54 and 55 SUPER B-4, Thiru Vi Ka Industrial Estate, Guinday, Chennai-600037 and its Branch Office at Ahluwalia Building, Exhibition Road, Near Prema Honda Service Center, Patna Bihar 800001 through its authorized representative Prabhat Kumar @ Prabhat, male aged 30 years.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration, Government of Bihar, New Secretariat, Bailey Road, Patna -800014.
2. The District Magistrate, Gaya Ji
3. The In Charge Officer, District Certificate Section, Gaya Ji

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dayanand Singh, Adv. Mr. Dhananjay Kashyap, Adv.
For the Respondent/s	:	Mr. Sunil Kumar Mandal, SC 3 Ms. Bittu Kumari, AC to SC 3

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR
ORAL ORDER

2 31-07-2026 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing for the State.

2. Without going into the merits or demerits of the case, the present writ petition is disposed of at the stage of admission with the consent of both the Counsels.

3. Learned counsel appearing on behalf of the petitioner submits that the Petitioner- Cholamandalam Investment and Finance Co. Ltd. has sent a requisition to the District Magistrate, Gaya Ji under Section 14 of the SARFAESI Act, however, the authority till date has not taken any action on



the same. Learned counsel submits that it will suffice for the present if a direction is given to the District Magistrate, Gaya ji to consider the request made by the petitioner under Section 14 of the SARFAESI Act and take a suitable action as per the provisions of the SARFAESI Act. Learned counsel has relied on a 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



SARFAESI 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.



4. Having regard to the above made submissions and the law laid down by the Hon'ble Supreme Court in the above mentioned case, this Court deems it expedient to dispose of the present CWJC by directing the District Magistrate, Gaya ji (Respondent No. 2) to act on the request made by the petitioner. The present writ petition is accordingly disposed of directing the District Magistrate, Gaya Ji (Respondent No. 2) to consider the request made by the petitioner as expeditiously as possible preferably within a period of eight weeks from the date of receipt of the copy of this order.

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

(Girijish Kumar, J)

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