IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18211 of 2025

ICICI Home Finance Company Ltd. Having its Corporate Office at ICICI Bank Tower, Bandra Kurla Complex, Mumbai- 400051, Maharashtra, and Branch Office at 4th Floor, 401, Kanak Brajraj Complex, Dhakanpura, Kavi Raman Path, Patna, Bihar- 800001. Through its Authorised Officer, Mr. Pramod Kumar, Male, aged about 44 years, Son of Shri Shyam Bihari Ram, at present posted as Territory Business Manager and Authorised Officer, Bihar of ICICI Home Finance Company Ltd.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Bihar, Patna.
2. The District Magistrate, Saran at Chhapra.

... ... Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Navendu Kumar
For the Respondent/s	:	Mr.Government Pleader (05)

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY

ORAL ORDER

4 20-01-2026 **<u>Re: I.A. No. 01 of 2026.</u>**

For the reasons mentioned in the above Interlocutory Application, the same is allowed.

2. Learned counsel for the petitioner is permitted to correct the cause title of the respondent No. 2 herein during the course of the day.

3. Registry is directed to make necessary changes accordingly.

4. 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.

5. Learned counsel appearing on behalf of the petitioner submits that the petitioner-Bank has sent a requisition to the District Magistrate, Saran at Chhapra under Section 14 of the SARFAESI Act, 2002. 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, Saran at Chhapra to consider the request made by the Bank 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 Judgement 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.*

6. 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 Respondent No. 2, i.e., the District Magistrate, Saran at Chhapra to act on the request made by the petitioner-Bank. The present writ petition is accordingly disposed of directing the Respondent No. 2, i.e., the District Magistrate, Saran at Chhapra to consider the request made by the Bank as expeditiously as possible preferably within a period of eight weeks from the date of receipt of the copy of this order.

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

(A. Abhishek Reddy , J)

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