IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1474 of 2026

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Vidhasagar Prasad S/o Late Krishnadev Prasad Resident of Village- Nagar Prisad Sheohar, P.S. and District Sheohar, Bihar.

... ... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate -Cum- Collector, Sheohar.
2. The Superintendent of Police, Sheohar.
3. The Sub- Divisional Officer, Sheohar.
4. The Circle Officer, Sheohar.
5. The Authorized Officer, Chola Mandalam Investment and Finance Co-Limited, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amrendra Kumar, Advocate.
For the Respondent/s	:	Mr. Jitendra Kumar Roy, SC 13 with
		Mr. Hitesh Suman, AC to SC 13.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

4 01-07-2026 Heard the learned counsel for the parties.

2. The present Writ Petition has been filed for the following reliefs:-

> *"(i) To issue an appropriate order/s direction/s preferably in including the writ nature of CERTIORARI for quashing the notice dated 17.03.2025 issued to the petitioner Under Section 13(2) of the Securitization and Reconstruction of Financial Assests and Enforcement of security interest Act 2002. (hereinafter referred to as SARFAEST Act 2002 for the sake of brevity issued Under the Signature of Authorized Officer of Cholta Mandalam investment investigation and Finance Company limited whereby and where under the petitioner has been called upon to make the payment of outstanding amount of* ***Rs. 45,114.74 (Rs. Forty five Lakhs Eleven***

thousand four hundred only) *within 60 days of the receipt of the notice together any interest, penal interest cost and other charges which may became due in future til the realization of the entire outstanding amount failing which the Secured creditor will exercise its power provided under the Act.*

(ii) To quash the order dated 2.9.25 passed in SARFAEST Case No. 346 of 2025 passed by the Collector Cum District Magistrate Sheohar in exercise of powers Under Section 14 of the SARFAEST Act 2002 to authorizing the Sub Divisional Officer to fix a date of taking Physical possession of the Mortgaged property of the petitioner with the help of Circle Officer and S.H.O. and make a demand of police force from the Superintendent of Police Sheohar."

3. 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.

4. 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*** 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.*

5. 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 is of the opinion that the present writ petition filed by the petitioner is not maintainable. That in case, the petitioner has any grievance with regard to the notice issued under Section 13(2) or Section 14 of the SARFAESI Act, he has to approach the DRT, Patna under Section 17 of the SARFAESI Act.

6. Having regard to the above, the present writ petition is disposed of granting liberty to the petitioner to approach the DRT, Patna, if he is so advised.

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

(A. Abhishek Reddy, J)

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