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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-18538-2026(O&M)

Date of Decision: 01.07.2026

SMFG INDIA CREDIT CO. LTD.

....Petitioner (s)

Versus

CHIEF JUDICIAL MAGISTRATE GURUGRAM AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI
HON'BLE MR. JUSTICE SANJIV BERRYPresent: Mr.Karnesh Verma, Advocate, for the petitioner.
(Through Video Conferencing).

JASGURPREET SINGH PURI, J. (Oral)

1. The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing respondent No.1-Chief Judicial Magistrate, Gurugram to pass an appropriate order on the petitioner's application filed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as 'the SARFAESI Act') for taking physical possession of the secured assets.

2. Learned counsel appearing on behalf of the petitioner through video conferencing submitted that the petitioner is a secured creditor and after complying with the procedure prescribed under Sections 13(2) and 13(4) of the SARFAESI Act, the petitioner filed an application under Section 14 of the SARFAESI Act before the learned Chief Judicial Magistrate, Gurugram for appointment of Receiver and for taking possession



of the secured assets vide Annexure P-4. He submitted that the aforesaid application was filed on 06.01.2026 and despite the lapse of almost six months, no order has been passed by the learned Chief Judicial Magistrate. He further submitted that the process under Section 14 of the SARFAESI Act to be undertaken by the District Magistrate or the Chief Metropolitan Magistrate/Chief Judicial Magistrate is ministerial in nature and is not an adjudicatory process. He also referred to Annexure P-5, which is an order passed by the Chief Judicial Magistrate, Gurugram on 17.01.2026 for verification of documents on the aforesaid application. He submitted that the verification report has already been received as per order dated 08.05.2026 and the matter is now fixed for 13.07.2026. He submitted that the limited prayer of the petitioner is for issuance of a direction to the learned Chief Judicial Magistrate, Gurugram to consider and decide the aforesaid application in accordance with law on the date already fixed i.e. 13.07.2026 or within a month after the aforesaid date.

3. We have heard the learned counsel for the petitioner.

4. A perusal of Annexure P-4 would show that the petitioner, who is stated to be a secured creditor, filed an application under Section 14 of the SARFAESI Act in the month of January 2026 and the learned Chief Judicial Magistrate, Gurugram, is already seized of the matter, which is clear from order dated 17.01.2026 (Annexure P-5) and as per order dated 08.05.2026, the verification report has already been received and the matter is now fixed for 13.07.2026 before the Chief Judicial Magistrate, Gurugram.

5. In view of the above, this Court deems it fit and proper to dispose of the present petition with a direction to the learned Chief Judicial Magistrate, Gurugram to consider and decide the application filed by the petitioner under Section 14 of the SARFAESI Act on the date already fixed



i.e. 13.07.2026 and if for any reason, the aforesaid application is not decided on the said date, then the needful be done within a period of one month thereafter.

(JASGURPREET SINGH PURI)
JUDGE

(SANJIV BERRY)
JUDGE

01.07.2026
rakesh

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No