



2026:CGHC:10388



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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 905 of 2026

Cholamandalam Investment And Finance Company Ltd. Through Its Authorized Officer- Girish Chandwani, Balodabazar, District- Balodabazar-Bhatapara (C.G.)

... Petitioner

versus

1 - The District Magistrate Balodabazar, District Balodabazar-Bhatapara (C.G.)

2 - Jina Devi Dahariya W/o Prem Prakash Dahariya Aged About 43 Years R/o- Gindola, Tahsil- Lawan, District Balodabazar-Bhatapara (C.G.)

3 - Kamlesh Dahariya S/o Prem Prakash Dahariya Aged About 25 Years R/o- Gindola, Tahsil- Lawan, District Balodabazar-Bhatapara (C.G.)

4 - Liza Dahariya W/o Kamlesh Dahariya Aged About 24 Years R/o- 72, Satnam Chowk, Ward No. 04, Gindola, Tahsil- Lawan, District- Balodabazar-Bhatapara (C.G.)

... Respondents

For Petitioner	:	Mr. Atul Kumar Kesharwani, Adv.
For Respondent(s)	:	Mr. Shobhit Mishra, Dy. Govt. Adv.

Hon'ble Shri Justice Naresh Kumar Chandravanshi

Order On Board

27-2-2026

1. By filing instant writ petition under Article 226 of the Constitution of India, the petitioner is seeking direction to the respondent No. 1/District



Magistrate, Baloda Bajar- Bhatapara to conclude the proceeding of Revenue Case No. 202509210100016/ year 2024-25/B-121 (Cholamandalam Investment and Finance Company Ltd. Vs. Smt. Jina Devi Dahariya and ors.) filed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (henceforth referred to as 'SARFAESI Act'), within stipulated period prescribed under the SARFAESI Act. Learned counsel for the petitioner submits that, on 22-9-2025, the petitioner submitted an application (Annexure P-1) under Section 14 of the SARFAESI Act, which ought to have been concluded within 30 days or within 60 days as provided under Section 14 of the SARFAESI Act, but about 5 months have lapsed, despite that, the District Magistrate has not concluded the proceedings. Hence, he prays that, appropriate direction may be issued to the respondent No. 1. He placed reliance on decision of Hon'ble Supreme Court in the case of **R.D. Jain & Company Versus Capital First Limited and Ors. Reported in 2023 (1) SCC 675.**

2. Heard learned counsel for the petitioner and perused the documents.
3. The petitioner has filed order-sheets (Annexure P-2) of aforesaid revenue case, which show that, the proceeding has been initiated on 22-9-2025. Last order sheet was written on 9-2-2026, but no final order has been passed.
4. Section 14 of the SARFAESI Act Act provides as under :-

“14. Chief Metropolitan Magistrate or District Magistrate to assist secured creditor in taking

**possession of secured asset :—**

(1) Where the possession of any secured assets is required to be taken by the secured creditor or if any of the secured asset is required to be sold or transferred by the secured creditor under the provisions of this Act, the secured creditor may, for the purpose of taking possession or control of any such secured assets, request, in writing, the Chief Metropolitan Magistrate or the District Magistrate within whose jurisdiction any such secured asset or other documents relating thereto may be situated or found, to take possession thereof, and the Chief Metropolitan Magistrate or, as the case may be, the District Magistrate shall, on such request being made to him—

xxx xxx xxx

xxx xxx xxx

Provided further that on receipt of the affidavit from the Authorised Officer, the District Magistrate or the Chief Metropolitan Magistrate, as the case may be, shall after satisfying the contents of the affidavit pass suitable orders for the purpose of taking possession of the secured assets within a period of thirty days from the date of application:

Provided further that if no order is passed by the Chief Metropolitan Magistrate or District Magistrate within the said period of thirty days for reasons beyond his control, he may, after recording reasons in writing for the same, pass



the order within such further period but not exceeding in aggregate sixty days.

Provided also that the requirement of filing affidavit stated in the first proviso shall not apply to proceeding pending before any District Magistrate or the Chief Metropolitan Magistrate, as the case may be, on the date of commencement of this Act.”

5. Perusal of second proviso to Section 14 of SARFAESI Act would show that order under Section 14 is to be passed within '30 days' from the date of filing of application and if for any reason beyond his control order under Section 14 is not passed within '30 days', same has to be passed within further period but not exceeding '60 days' in aggregate.
6. Hon'ble Supreme Court in case of **R. D. Jain** (supra) has observed thus :-

“24. As mandated by Section 14 of the SARFAESI Act, the CMM/DM has to act within the stipulated time-limit and pass a suitable order for the purpose of taking possession of the secured assets within a period of 30 days from the date of application which can be extended for such further period but not exceeding in the aggregate, sixty days. Thus, the powers exercised by the CMM/DM is a ministerial act. He cannot brook delay. Time is of the essence. This is the spirit of the special enactment.”



7. In view of aforesaid proviso to Section 14 of SARFAESI Act as also decision in case of **R. D. Jain** (supra), it is apparent that proceeding has been dragged beyond the period as provided under Section 14.
8. Considering facts of the case, submission of counsel for petitioner & documents, and further considering 2nd proviso to Section 14 of the SARFAESI Act as also decision in case of **R. D. Jain** (supra), this writ petition is disposed of at this stage directing District Magistrate, Balodabajar-Bhatapara to conclude the proceeding of aforesaid revenue case within a period of within '**30 days**' from the date of receipt of copy of this order.
9. With aforesaid observations and directions, the writ petition stands disposed of. Pending interlocutory application(s), if any, stands disposed of.

Sd/-

(Naresh Kumar Chandravanshi)

Judge