



2026:CGHC:18523

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 1816 of 2026**

1 - Icici Home Finance Company Ltd. Through Its Authorized Officer,
Pawan Bansal, Aged About 35 Years, Having Branch Office At 1st Floor,
166 Shekhar Central, Manoramaganj, Indore (M.P.) 452001

... Petitioner(s)**versus**

1 - The State Of Chhattisgarh Through Secretary, Department Of
Revenue, Mahanadi Bhawan, New Mantralaya Nava Raipur (C.G.)

2 - Tehsildar District Mahasamund (C.G.)

3 - Devesh Uday Karwakar R/o Shop No. 9, Aditya Builders, Chikuwadi,
Borivali West, Mumbai, Maharashtra 400091

4 - Amrika Mala Joshi R/o Room No. 06 Plot No. 602, Supantchas
Charkop Sector No. 06, Kandivali, West Mumbai Maharashtra 400067

5 - Uday Vahan Karwakar R/o Room No. 06 Plot No. 602, Supantchas
Charkop Sector No. 06, Kandivali, West Mumbai Maharashtra 400067

... Respondent(s)**(Cause Title is taken from CIS System)**

For Petitioner : Mr. Nitin Agrawal, Advocate (through V.C.)

For State : Mr. Shreyansh Mehta, Panel Lawyer



Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

23/04/2026

1. The petitioner has filed this writ petition seeking following reliefs:

“10.1 Issue a writ, order, or direction in the nature of mandamus commanding Respondent No. 2 i.e. The Tehsildar, District Mahasamund (CG) to execute the order passed by the Ld. Chief Judicial Magistrate, District Mahasamund (CG) under Section 14 of the SARFAESI Act, and hand of the secured asset to the petitioner within a stipulated time frame as prescribed by law.

10.2 Issue any other appropriate writ, order, or direction which this Hon'ble Court may deem just and proper in the nature and circumstances of the case.

10.3 Award the cost of the writ petition to the petitioner.”

2. Facts of the case, as projected in the petition, are that the petitioner, ICICI Home Finance Company Limited, is a company duly incorporated under the provisions of the Companies Act, 1956. It is the case of the petitioner that a loan amounting to Rs. 20,90,000/- was sanctioned on 26.02.2022 in favour of respondent Nos. 3 to 5. In consideration thereof, the said respondents created a security interest by mortgaging an immovable property in favour of the petitioner. The secured asset comprises land situated at Gram Mahasamund, Ward No. 21, FCI



Road, bearing P.H.N. No. 42, Khasra No. 1987/2 (part), RNM Mahasamund, Tehsil and District Mahasamund, admeasuring approximately 1155 sq. ft. It is further averred that respondent Nos. 3 to 5 failed to adhere to the repayment schedule as agreed between the parties, as a consequence of which the loan account was classified as a Non-Performing Asset (NPA) on 10.03.2025. Thereafter, the petitioner issued a demand notice dated 21.03.2025 under Section 13(2) of the SARFAESI Act, 2002, calling upon the borrowers to discharge their outstanding liability amounting to Rs. 19,66,003/- along with further interest. Despite service of the said notice, the borrowers failed to liquidate the dues within the stipulated statutory period of 60 days. In view of the continued default, the petitioner invoked the provisions of Section 14 of the SARFAESI Act, 2002 and filed an application before the Chief Judicial Magistrate, District Mahasamund (Chhattisgarh), seeking assistance for taking physical possession of the secured asset. The learned Chief Judicial Magistrate, vide order dated 15.09.2025, allowed the said application and specifically directed the concerned Tahsildar, District Mahasamund, to visit the site in question and take peaceful physical possession of the secured asset, with liberty to seek police assistance, if required. However, despite the categorical direction and statutory mandate, the concerned Tahsildar has failed to execute the said order and has not taken any steps for handing over possession of the secured asset to the petitioner.



3. Learned counsel for the petitioner submits that the learned Chief Judicial Magistrate has passed an order dated 15.09.2025 under Section 14 of the SARFAESI Act, 2002, directing the concerned Tahsildar to hand over physical possession of the property in question to the petitioner. However, despite the passing of the said order, the concerned Tahsildar has not acted upon the same till date. It is further submitted that such inaction on the part of the respondent authorities is wholly arbitrary, illegal, and contrary to the statutory mandate of the SARFAESI Act, which has been enacted to ensure expeditious recovery of secured debts without unnecessary delay. The failure of the Tahsildar to execute the order defeats the very object and purpose of the legislation. Learned counsel further submits that the role of the Magistrate or the authority under Section 14 of the SARFAESI Act is purely ministerial in nature, as has been consistently held by the Hon'ble Supreme Court, and once an order has been passed, the concerned authority is duty-bound to render assistance in taking possession of the secured asset. Reliance has also been placed on a recent decision of this Court in **AU Small Finance Bank Ltd. vs. State of Chhattisgarh & Others (W.P.(C) No. 5664 of 2025, decided on 31.10.2025)**, wherein in similar circumstances, directions were issued to the concerned Tahsildar to execute the order passed under Section 14 of the SARFAESI Act within a stipulated time frame. It is thus contended that the continued inaction and delay on the part of respondent No. 2 is causing



grave prejudice to the petitioner and is resulting in blockage of substantial public funds. The petitioner, having no other efficacious alternative remedy, has approached this Court under Article 226 of the Constitution of India seeking appropriate directions for enforcement of the order dated 15.09.2025 and for handing over possession of the secured asset.

4. Learned State counsel, opposing the submissions advanced on behalf of the petitioner, submits that there is no deliberate inaction on the part of the respondent authorities and that the process for execution of the order is underway in accordance with law. It is contended that certain administrative and procedural formalities, including verification of records and ensuring maintenance of law and order, are required to be complied with prior to taking physical possession. It is further submitted that the respondents shall act upon the order passed under Section 14 of the SARFAESI Act within a reasonable time, and therefore, no interference is warranted at this stage.
5. I have heard learned counsel for the parties and have perused the documents enclosed along with the petition.
6. It is not in dispute that the petitioner, a secured creditor, had initiated proceedings under the provisions of the SARFAESI Act, 2002, and pursuant thereto, an application under Section 14 of the Act was preferred before the learned Chief Judicial Magistrate, District Mahasamund. It is further an admitted position that the



learned Chief Judicial Magistrate, vide order dated 15.09.2025, allowed the said application and categorically directed the concerned Tahsildar to take peaceful physical possession of the secured asset and hand over the same to the petitioner, with liberty to seek police assistance, if required. The said order has not been shown to have been set aside or stayed by any competent forum. In such circumstances, once an order under Section 14 of the SARFAESI Act has been passed by the competent Magistrate, the role of the executing authority, i.e., the Tahsildar, is ministerial in nature and it is incumbent upon the said authority to give effect to the order in its true letter and spirit.

7. Accordingly, considering the facts and circumstances of the case, in particular that the order under Section 14 of the SARFAESI Act has already been passed, this Court deems it appropriate to direct respondent No. 2 – the concerned Tahsildar, District Mahasamund, to comply with the order and directions issued by the learned Chief Judicial Magistrate vide order dated 15.09.2025, in its letter and spirit, if the same has not been challenged before the competent forum, expeditiously.
8. With the aforesaid direction, the writ petition stands disposed of.

No order as to costs.

Sd/-

**(Amitendra Kishore Prasad)
Judge**

Shayna