

GAHC010249092025



undefined

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/6477/2025

STATE BANK OF INDIA, STRESSED ASSETS RECOVERY BRANCH (SARB),
JORHAT NA ALI, M.G. ROAD, OPPOSITE A.S.H.B. BUILDING, JORHAT-
785001, ASSAM, IFSC CODE- SBIN0018400

VERSUS

1: STATE OF ASSAM AND 4 ORS REPRESENTED BY THE COMMISSIONER
AND SECRETARY TO THE GOVERNMENT OF ASSAM, GENERAL
ADMINISTRATION DEPARTMENT, DISPUR, GUWAHATI- 781006

2:DISTRICT MAGISTRATE BISWANATH DISTRICT
OFFICE OF DISTRICT MAGISTRATE BISWANATH DISTRICT ASSAM

3:M/S LEE PALACE KOCHGAON BISWANATH CHARIALI TOWN
P.O BISWANATH CHARIALI NEAR POLICE POINT DIST- BISWANATH
PIN- 784176

4:MRS BABITA DEVI BORAH
W/O MR ANJAN BORAH
R/O CHARIALI NAGAR ELEKA VILL BAMGAON
PO BISWANTH CHARIALI DIST BISWANATH SSAM- 784176

5:ANJAN BORAH
S/O THANU RAM BORAH
R/O CHARIALI NAGAR ELEKA VILL BAMGAON
P.O BISWANTH CHARIALI DIST- BISWANATH ASSAM- 78417

For the Petitioner(s) : Mr. A. Parvez, Advocate.

For the Respondent(s) : Mrs. R.B. Bora, Junior Govt. Advocate, Assam.

– B E F O R E –
HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

19.11.2025

(Ashutosh Kumar, CJ)

The petitioner/State Bank of India, through its Biswanath Chariali Branch, seeks a direction to the District Magistrate, Biswanath for passing necessary orders under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) and to expeditiously dispose of the application filed by the petitioner for facilitating the taking over of physical possession of 3(three) mortgaged immovable properties of the defaulting borrowers.

The scheme of the SARFAESI Act makes it very clear that on an application filed by a secured creditor, the Deputy Commissioner will facilitate the taking over of the physical possession of the mortgaged property.

Mrs. R.B. Bora, learned Junior Government Advocate, Assam to inform this Court as to why no action has been taken despite 4(four) months having been elapsed since the filing of such application by the petitioner/State Bank of India.

Re-notify on **19.01.2026**.

JUDGE

CHIEF JUSTICE

Comparing Assistant