

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 3118 of 2026

ASREC (India) Limited through its Deputy Vice President Harshad Vilas Garude S/o Shri Vilas Garude, having its registered office at Solitaire Corporate Park Building No.2, Unit No.201-202A, 200-202B, Ground Floor, Andheri Ghatkopar, Link Road, Chakala, Andheri (East), P.O. & P.S. Andheri (East) District Mumbai, (Maharashtra)

.... Petitioner(s).

Versus

1.The State of Jharkhand, through the Chief Secretary, Government of Jharkhand, 1st Floor, Project Bhawan, P.O. & Ps Dhurwa, District Ranchi

2.The Deputy Commissioner-cum-District Magistrate, Ranchi, PO GPO, P.S. Kotwali, District Ranchi

... Respondent(s)

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Ranjan Kumar, Advocate

For the State : Mr. Ratnesh Kumar, SC (L&C)-I

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02/ 29.04.2026 Heard, learned counsel for the petitioner and learned counsel for the State.

2. By filing this writ petition, the petitioner prays for a direction upon the respondent No.2 to dispose the writ application filed by the petitioner under Section 14 of the SARFAESI Act and provide administrative and police assistance for taking physical possession of the secured assets.

3. It is the grievance of the petitioner that the Deputy Commissioner-cum-District Magistrate, Ranchi is not cooperating with the petitioner for taking possession of secured assets (Commercial building at Mohalla Peppe Compound, P.S. Hindpiri, P.S. No.209, admeasuring 454.45 Sq. mts. District Ranchi, Survey Plot No.1431, old Municipal Holding No.847, New Municipal Holding No.468/C on Sub Plot No.1431/11 & 1431/12).

4. Section 14 of the SARFAESI Act, 2002, reads as follows:-

"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 assets 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 –

- (a) take possession of such asset and documents relating thereto; and
- (b) forward such asset and documents to the secured creditor: [Provided that any application by the secured creditor shall be accompanied by an affidavit duly affirmed by the authorised officer of the secured creditor, declaring that –
 - (i) the aggregate amount of financial assistance granted and the total claim of the Bank as on the date of filing the application;
 - (ii) the borrower has created security interest over various properties and that the Bank or Financial Institution is holding a valid and subsisting security interest over such properties and the claim of the Bank or Financial Institution is within the limitation period;
 - (iii) the borrower has created security interest over various properties giving the details of properties referred to in sub-clause (ii) above;
 - (iv) the borrower has committed default in repayment of the financial assistance granted aggregating the specified amount;
 - (v) consequent upon such default in repayment of the financial assistance the account of the borrower has been classified as a non-performing asset;
 - (vi) affirming that the period of sixty days notice as required by the provisions of sub-section (2) of section 13, demanding payment of the defaulted financial assistance has been served on the borrower;
 - (vii) the objection or representation in reply to the notice received from the borrower has been considered by the secured creditor and reasons for non-acceptance of such objection or representation had been communicated to the borrower;
 - (viii) the borrower has not made any repayment of the financial assistance in spite of the above notice and the Authorised Officer is, therefore, entitled to take possession of the secured assets under the provisions of sub-section (4) of section 13 read with section 14 of the principal Act;
 - (ix) that the provisions of this Act and the rules made thereunder had been complied with:

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 assets¹ [within a period of thirty days from the date of application]: [Provided also 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.]

[(1A) The District Magistrate or the Chief Metropolitan Magistrate may authorise any officer subordinate to him, –

- (i) to take possession of such assets and documents relating thereto; and
- (ii) to forward such assets and documents to the secured creditor.]

(2) For the purpose of securing compliance with the provisions of subsection (1), the Chief Metropolitan Magistrate or the District Magistrate may take or cause to be taken such steps and use, or cause to be used, such force, as may, in his opinion, be necessary.

(3) No act of the Chief Metropolitan Magistrate or the District Magistrate [any officer authorised by the Chief Metropolitan Magistrate or District Magistrate] done in pursuance of this section shall be called in question in any court or before any authority."

5. After perusal of the aforesaid provision, it is clear that the time is an essence of Section 14. It is the bounden statutory duty of the District Magistrate to assist the secured creditor in taking of the secured assets within 30 days which is extendable to 60 days.

6. In this case, the petitioner had applied in 2024, till date, as per the grievance of the petitioner, the Deputy Commissioner-cum-District Magistrate, Ranchi has failed in his statutory duty.

7. This delay will definitely frustrate the provision of the Act. Thus, I direct the Deputy Commissioner-cum-District Magistrate, Ranchi to immediately within two weeks take appropriate steps and disposed of the application of the petitioner in terms of Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

8. With the aforesaid observation, this writ petition stands **disposed of.**

(ANANDA SEN, J.)