



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10628 of 2025

**Bank of India, Angul
Branch**

.....

Petitioner

Mr. S.K. Behera,
Advocate

-versus-

**State of Odisha and
others**

.....

Opp. Parties

Mr. J. Nayak,
Addl. Govt. Advocate

W.P.(C) No.11774 of 2025

**Jana Small Finance
Bank Ltd., BBSR**

.....

Petitioner

Mr. B.B. Swain,
Advocate

-versus-

**Chief Judicial
Magistrate and
others**

.....

Opp. Parties

Mr. J. Nayak,
Addl. Govt. Advocate

W.P.(C) No.17847 of 2025

**Tata Capital Housing
Finance Limited,
Mumbai**

.....

Petitioner

Mr. R. Panigrahi,
Advocate

-versus-

**Dist. Magistrate,
Cuttack and others**

.....

Opp. Parties

Mr. J. Nayak,
Addl. Govt. Advocate



W.P.(C) No.17849 of 2025

**Tata Capital Housing
Finance Limited,
BBSR**

.....

Petitioners

Mr. R. Panigrahi,
Advocate

-versus-

**Dist. Magistrate,
Jagatsinghpur and
others**

.....

Opp. Parties

Mr. J. Nayak,
Addl. Govt. Advocate

W.P.(C) No.17852 of 2025

**Tata Capital Housing
Finance Limited,
Mumbai**

.....

Petitioner

Mr. R. Panigrahi,
Advocate

-versus-

**Dist. Magistrate,
Cuttack and others**

.....

Opp. Parties

Mr. J. Nayak,
Addl. Govt. Advocate

W.P.(C) No.17857 of 2025

**Tata Capital Housing
Finance Limited,
BBSR**

.....

Petitioner

Mr. R. Panigrahi,
Advocate

-versus-

**Dist. Magistrate,
Jagatsinghpur and
others**

.....

Opp. Parties

Mr. J. Nayak,
Addl. Govt. Advocate



W.P.(C) No.17890 of 2025

***Tata Capital Housing
Finance Limited,
BBSR***

.....

Petitioner

*Mr. R. Panigrahi,
Advocate*

-versus-

***Dist. Magistrate,
Jajpur and others***

.....

Opp. Parties

*Mr. J. Nayak,
Addl. Govt. Advocate*

W.P.(C) No.17899 of 2025

***Tata Capital Housing
Finance Limited,
BBSR***

.....

Petitioner

*Mr. R. Panigrahi,
Advocate*

-versus-

***Dist. Magistrate,
Jajpur and others***

.....

Opp. Parties

*Mr. J. Nayak,
Addl. Govt. Advocate*

CORAM:

**THE HON'BLE MR. JUSTICE S.K. SAHOO
THE HON'BLE MR. JUSTICE SIBO SANKAR MISHRA**

**ORDER
21.07.2025**

Order No.

02. All the matters are taken up through Hybrid arrangement (video conferencing/physical mode).

In all the writ petition common issue regarding the timely disposal of application under section 14 of



SARFAESI Act has been sought for. Therefore, with the consent of the learned counsel for the parties, all the matters are heard analogously and disposed of by this common order.

Proviso to Sub-Section (ix) to Section 14 of the SARFAESI Act provides as under:-

"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 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.

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."

Reading of the aforementioned provision of law makes it abundantly clear that every application under Section 14 of the SARFAESI Act moved by the secured creditor for taking possession of the secured asset(s) before the Chief Metropolitan Magistrates or District Magistrates, as the case may be; shall be disposed of within a maximum period of sixty days.

This position of law as enunciated has already been affirmed by the Hon'ble Supreme Court in the case of ***R.D. Jain & Co. v. Capital First Ltd.*** reported in ***(2023) 1 SCC 675***. Relevant part of the said judgement reads as under:

"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."

Invariably writ petitions are being filed before this Court by the secured creditors seeking direction to CMM/DM for disposal of Section 14 application expeditiously in accordance with law. These batch petitions are also filed making similar prayer.

Learned counsel for the State submits that the delay in disposal is generally caused, because the applications are found defective. The applicants fail to cure the defects timely leading to the prolongation of hearing and disposal.

Taking into consideration the position of law and the submission made by the parties, we feel it appropriate to direct the Office of Executive Magistrates or District Magistrates to adopt a procedure to scrutinize the applications once it is filed, give appropriate time to the applicants to cure the defects and then register the applications by assigning/allotting numbers. The limitation for a purpose of disposal as discussed above shall recon from the date of registration of the application.



Needless to say that once the application is registered, the same shall be disposed of within the stipulated time frame provided and mandated under law.

It is accordingly directed.

All the writ petitions are disposed of.

(S.K. Sahoo)
Judge

(S. S. Mishra)
Judge

Rajesh