



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.21957 of 2025

***Authum Investment
and Infrastructure
Ltd., Bhubaneswar***

.....

Petitioner

*Mr. Ramachandra
Panigrahy, Advocate*

-versus-

***Chief Judicial
Magistrate, Cuttack
and others***

....

Opp. Parties

*Miss. Suvalaxmi Devi,
Addl. Standing Counsel*

CORAM:

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

Order No.

**ORDER
08.09.2025**

02. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

This writ petition has been filed by the petitioner, Authum Investment and Infrastructure Ltd., Bhubaneswar, with the following relief:-

"Therefore, it is prayed that this Hon'ble Court may be pleased to issue RULE NISSI calling upon the opposite party 1 & 3 to show cause as why the order dated 03.01.2024 & 17.02.2024, passed by the learned Magistrate



(C.IM), Cuttack- opposite party No. 1, shall not be implemented.

AND

If the opposite parties failed to file any sufficient cause or tile insufficient cause then the said RULE NISSI may be held absolute and this Hon'ble Court may further be pleased enough to allow the writ petition by issuing an appropriate writ(s) directing the OP 1 & 3 to implement the orders dated 03.01.2024 & 17.02.2024. passed by the learned Magistrate (CJM), Cuttack- opposite party No. 1 and as an consequential order may further direct the learned Magistrate to take possession over the secured asset and forward the same to the petitioner, as provided under the said provisions of law in the interest of justice; AND Declare the letter dated 06.04.2024 issued by the OP 3 as illegal and not sustainable under law;

AND

And pass such other writ/writs, order/orders and direction/directions that may deem fit and proper under the facts and circumstances of this case:

AND

For which act of your kindness the



petitioner as in duty bound shall ever pray”.

Learned counsel for the petitioner referring to section 14 of the SARFAESI Act and judgment in the case of **Balakrishna Rama Tarle dead through legal representatives and another -Vrs.- Phoenix ARC Private Limited and others reported in (2023) 1 Supreme Court Cases 662** contended that it was statutory obligation casts upon the District Magistrate to take immediate steps on the written application of secured creditor under section 14(1) of the SARFAESI Act to take possession of the secured assets and documents relating thereto and to forward the same to the secured creditor at an earliest opportunity. It is further contended that the order dated 13.02.2024 was passed by the learned C.J.M., Cuttack in CrI. Misc. Case No.43 of 2023 specifically directing that the expenses for deployment of police personnel at the time of taking possession of the secured asset shall be borne by the secured creditor. After receipt of the letter from opposite party no.3 dated 06.04.2024, the petitioner has deposited the amount before the opposite party no.3, Deputy Commissioner of police which would be evident from the documents annexed to as Annexure-4. In spite of that, the petitioner is not able to get the possession of the secured assets. Lastly on 17.04.2025 under Annexure-8, opposite party no.3 issued a letter to IIC, Chauliaganj police station/Mahila PS/RI, Cuttack



UPD/ACT Zone-V, Cuttack asking the local police to maintain law and order during taking over of the possession and to ensure that no untoward incident takes place. The date was fixed to 21.04.2025 for carrying out the remaining process under the SARFAESI Act, 2002.

It is the contention of learned counsel for the petitioner that in spite of issuance of such letter dated 17.04.2025, till date, the petitioner is not able to get the possession of the secured assets.

Learned counsel for the State after going through the Annexure-4 although has not disputed the amount being deposited. However, she submits that since in the meantime more than four months have already elapsed, she may be given some time to obtain instruction as to why the petitioner has not yet been given possession of the secured assets and if there is any hurdle in that respect or not.

List this matter on 10th September 2025.

(S.K. Sahoo)
Judge

(S. S. Mishra)
Judge