

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 5132/2026
URN: CW / 11220U / 2026

Muthoot Home Fin (India) Limited, Corporate Office- Unit No. 19, 19th Floor, The Ruby, Senapati Bapat Marg, Near Ruparel College Dadar (West), Mumbai, Maharashtra 400028 having registered office at Muthoot Chambers, Kurian Towers, Banerji Road, Ernakulam North, Kochi- 682018 and having one of its Branch Office at 6th Floor, Sangi Upasna Tower, Subhash Marg, C-Scheme, Ahinsa Circle, Jaipur- 302001, Rajasthan through its Authorized Signatory Mr. Shubham Gupta.

----Petitioner

Versus

1. State of Rajasthan through Additional Chief Secretary, Department of Home, Government Secretariat, Rajasthan.
2. The Principal Secretary, Department of Finance, Secretariat, Rajasthan.
3. The Director General of Police Rajasthan, Police Head Quarter, Lal Kothi, Jaipur.
4. Superintendent of Police, Beawar, at Beawar, Rajasthan.
5. Mr. Kamlesh Khichi S/o Na, Address- Ward No. 32, Chang Chitar Road, Rathi Garden Ke Pass, Beawar Rajasthan 3591.
Also At:
Mr. Kamlesh Khichi S/o NA, Address- M/s Vinod Scraps Tradingganeshpura Road Near Sabun Factory, Beawar Distt Ajmer Rajasthan-3591.
Also At:
Mr. Kamlesh Khichi S/o Na, Address- Plot No. 11, Part Of Khasra No. 919/1 Situated At Devnagar, Gram Nundari Maldev, Teh. Beawar, Distt. Ajmer Ajmer Rajasthan 3591.
6. Mrs. Bhagwati Devi, W/o Na, Address- Ward No.- 32, Chang Chitar Road, Rathi Garden Ke Pass, Beawar Rajasthan 3591.
Also At:
Mrs. Bhagwati Devi, W/o Na, Address- Plot No. 11, Part Of Khasra No. 919/1 Situated At Devnagar, Gram Nundari Maldev, Teh. Beawar, Distt. Ajmer Ajmer Rajasthan 3591.
7. Mr Raj Kumar Nagora S/o Na, Address- Ward No. 32, Chang Chitar Road, Rathi Garden Ke Pass, Beawar Rajasthan 3591.
Also At:
Mr Raj Kumar Nagora S/o Na, Address- Nagora Sadan, Rathi Garden Ke Pass, Chang Citar Road, Beawar, Ajmer Rajasthan 3591.
Also At:
Mr. Raj Kumar Nagora S/o Na, Address- Plot No. 11, Part Of Khasra No. 919/1 Situated At Devnagar, Gram Nundari Maldev, Teh. Beawar, Distt. Ajmer Ajmer Rajasthan 3591.

----Respondents

For Petitioner(s) : Ms. Neha Sharma
For Respondent(s) : Mr. Saumitra Chaturvedi, Dy. G.C.

HON'BLE MR. JUSTICE ANAND SHARMA

Order

30/06/2026

1. By way of filing this writ petition, petitioner has challenged condition imposed in order dated 26.09.2025 passed by Senior Civil Judge, Beawar, on application under Section 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act of 2002'), whereby directions have been given to the Superintendent of Police, Beawar, for providing police assistance to the petitioner for taking possession of secured asset. Petitioner has further challenged demand letter dated 16.02.2026 issued by the Superintendent of Police, Beawar, demanding expenses for providing police aid to the petitioner for taking possession of secured asset in compliance of order dated 26.09.2025 passed by Senior Civil Judge, Beawar.

2. Learned counsel for the petitioner submits that petitioner is a financial institution and is also registered under the provisions of the Act of 2002. Respondents-borrower availed loan from the petitioner. However, they failed to pay the loan as per stipulated conditions and within the scheduled time. Under these circumstances, the petitioner invoked provisions of Section 13 of the Act of 2002 for recalling the loan amount and still when the loan was not repaid, measures under Section 13 of the Act of

2002 were taken by the petitioner and ultimately an application under Section 14 of the Act of 2002 was filed before the Senior Civil Judge, Beawar, for providing necessary measures to assist secured creditor (petitioner) in taking possession of the secured asset.

3. As per the petitioner, an application under Section 14 of the Act of 2002 filed by the petitioner was allowed vide order dated 26.09.2025, whereby petitioner was entitled to take physical possession of the secured asset and the Superintendent of Police, Beawar, was directed to provide police assistance to the petitioner-secured creditor for the purpose of taking possession of the aforesaid asset.

4. Grievance of the petitioner is that after passing order by the Senior Civil Judge under Section 14 of the Act of 2002, the police authorities are under an obligation to provide police assistance for the purpose of taking possession of secured asset, yet the respondent-police authorities are not complying with the order of Senior Civil Judge, Beawar, and till date police assistance has not been provided to the petitioner, which is causing serious prejudice and miscarriage of the justice to the petitioner, and consequently deprives the petitioner of possession of the secured asset, for which he is otherwise entitled under law and as per order passed by Senior Civil Judge, Beawar.

5. Learned counsel for the petitioner further submits that although there were no directions in order dated 26.09.2025 passed by Senior Civil Judge, Beawar, yet respondent-Superintendent of Police has in quite arbitrary manner demanded expenses for providing police assistance by issuing letter dated

16.02.2026 and such demand is totally without jurisdiction and without authority of law.

6. The writ petition was opposed by respondent-Police Department raising an objection that the writ petition filed by the petitioner is not maintainable as the petitioner is having alternative efficacious remedy under the provisions of the Act of 2002; however, without exhausting such remedy, the petitioner has directly approached this Court by way of filing this writ petition.

7. Mr. Saumitra Chaturvedi, learned counsel for the respondents also submitted that under the Police Act and Rules made as well as on the basis of the circulars issued by respondent-Department from time to time, the respondents have every right to demand for expenses even for execution of decree or for implementing any order passed by any Court for providing police assistance in order to get possession of any property. Hence, such demand, even if raised by the respondent-Department cannot be said to be illegal or arbitrary.

8. Heard the rival submissions advanced by the learned counsel for the parties and meticulously examined the material available on record.

9. This Court finds that once any order is passed by the concerned Magistrate under Section 14 of the Act of 2002 for taking possession of secured asset and for handing over the same to the secured creditor, such order created right in favour of the secured creditor to take possession of the secured asset in accordance with the directions given by the concerned Magistrate under Section 14 of the Act of 2002.

10. As per the provisions of Section 14 of the Act of 2002, the concerned Magistrate can also pass an order directing for police assistance to the secured creditor for the purpose of taking possession.

11. As regards, grievance raised by the petitioner is that the police authorities are demanding expenses for providing police assistance, despite there being no such direction in the order earlier passed by the concerned Magistrate under Section 14 of the Act of 2002, this Court finds that the question with regard to validity of such demand by the police authorities has already been examined by the Co-ordinate Bench of this Court in the case of ***Tyger Home Finance Private Limited Vs. State of Rajasthan & Ors. (S.B. Civil Writ Petition No.14449/2025)*** decided on 30.10.2025, wherein it has been observed by the Co-ordinate Bench of this Court as under:

"3. Learned counsel for the petitioner submits that under Section 14 of the 'Act of 2002' there is no such provision by which the secured creditor may be directed to deposit any expenses of police assistance, in case, any such assistance is taken for securing possession of the secured asset. Therefore, learned counsel for the petitioner at this stage make a limited prayer to delete the aforesaid condition in the impugned order dated 12.08.2024 passed by the learned Magistrate, by which the petitioner is directed to deposit the amount for expenses of police assistance.

*4. To support his contentions, learned counsel for the petitioner has drawn the attention of this Court towards the judgment passed by the Division Bench of the Allahabad High Court in **Writ - C NO. 9723** titled as **Pnb Housing Fiance Ltd. vs. State of U.P. & Ors.** dated **14.11.2024** and the judgment passed by the Coordinate Bench of this Court at Principal Seat Jodhpur in **S.B. Civil Writ Petition No.2310/2022** titled as **Valeed Ahmed & Anr. Vs. The Commissioner of Police, Jodhpur & Ors.** dated **19.04.2022**.*

.....

7. Admittedly, there is no provision under Section 14 of the 'Act of 2002' which may authorize the learned

Magistrate to direct the secured creditor to deposit any expenses of police assistance in taking possession of the secured asset.

8. In that view of the matter, the direction given to the petitioner for depositing the expenses of police assistance vide impugned order dated 12.08.2024 passed by the Chief Judicial Magistrate, Alwar is hereby set aside."

12. In the light of above observations given in the case of ***Tyger Home Finance Private Limited (supra)***, this Court is also of the similar view that as under Section 14(1-A) of the Act of 2002, the concerned Magistrate can give direction to any officer subordinate to him to take possession of secured asset and there is no provision whatsoever under the Act of 2002 for charging any amount for expenses, therefore, demand of such nature by the police authorities is without jurisdiction. In the instant cases, where powers are being exercised under the Act of 2002, no reliance can be placed by the respondents upon the provisions of Police Act or Rules made thereunder.

13. In view of above discussion, letter dated 16.02.2026 issued by the Superintendent of Police, Beawar, for demanding expenses, is hereby, quashed and set aside.

14. Accordingly, the writ petition filed by the petitioner stands allowed.

15. Pending application(s), if any, stand(s) disposed of.

(ANAND SHARMA),J