

Wpss noSL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPMS No. 1874 of 2026</p> <p><b><u>Hon'ble Manoj Kumar Tiwari, J</u></b></p> <p>1. Mr. Atul Kumar Bansal, learned counsel for the petitioner.</p> <p>2. Mr. Suyash Pant, learned Standing Counsel for the State of Uttarakhand.</p> <p>3. Petitioner has challenged a notice issued to him under Section 14 of SARFAESI Act by Additional District Magistrate, Udham Singh Nagar. It is contended that Additional District Magistrate is not competent to pass order under Section 14 of SARFAESI Act.</p> <p>4. The said submission made on behalf of petitioner is unsustainable in view of law laid down by Hon'ble Supreme Court in the case of <i>R.D. Jain and Company v. Capital First Limited &amp; others, reported as (2023) 1 SCC 675</i>. Operative portion of the said judgment are reproduced below:-</p> <p>“<b>33.</b> Therefore, if the submission on behalf of the appellants that only the CMM/DM concerned alone would have jurisdiction to decide the applications under Section 14 of the Sarfaesi Act is accepted, in that case, it will be practically impossible for the CMM/DM concerned to decide the application under Section 14 of the Sarfaesi Act expeditiously and within the time stipulated under the second proviso to Section 14 of the Sarfaesi Act. If the interpretation which we propose that, the District Magistrate/Chief Metropolitan Magistrate under Section 14 of the Sarfaesi Act includes the Additional District Magistrate/Additional Chief Metropolitan Magistrate, the same can be said to be a purposive interpretation to achieve the object and purpose of proceedings under the Sarfaesi Act, more particularly when as observed hereinabove, the orders to be passed under Section 14 of the Sarfaesi Act are ministerial steps and to assist the secured creditor in getting/obtaining the possession of the secured property. Thus, there is no element of exercise of adjudicatory</p>

powers under Section 14 of the Sarfaesi Act. All these aspects have been considered in detail by the High Court in the impugned judgment and order [Capital First Ltd. v. State of Maharashtra, 2017 SCC OnLine Bom 9425] .

**34.** We are in complete agreement with the view taken by the High Court that : (i) the District Magistrate, Chief Metropolitan Magistrate is not a persona designata for the purposes of Section 14 of the Sarfaesi Act; (ii) the expression "District Magistrate" and the "Chief Metropolitan Magistrate" as appearing in Section 14 of the Sarfaesi Act shall deem to mean and include Additional District Magistrate and Additional Chief Metropolitan Magistrate for the purposes of Section 14 of the Sarfaesi Act.

**35.** The contrary view taken by the other High Courts, namely, Gujarat High Court in Pushpa Devi B. Jain v. Indian Overseas Bank [Pushpa Devi B. Jain v. Indian Overseas Bank, 2017 SCC OnLine Guj 2625], Calcutta High Court in Chellaperumal v. Authorised Officer [ Chellaperumal v. Authorised Officer, 2014 SCC OnLine Cal 13981] and Kerala High Court in Aseena v. Sub-Divisional Magistrate, Palakkad [Aseena v. Sub-Divisional Magistrate, Palakkad, 2008 SCC OnLine Ker 174] , is not a good law and are specifically overruled.

**36.** In view of the above and for the reasons stated above, the present appeal fails and the same deserves to be dismissed and is accordingly dismissed. We hold that the powers under Section 14 of the Sarfaesi Act can be exercised by the Additional Chief Metropolitan Magistrates of the area concerned having jurisdiction and also by the Additional District Magistrates, who otherwise are exercising the powers on a par with the District Magistrates concerned either by delegation and/or special order. The present appeal is accordingly dismissed. No costs."

5. In view of authoritative pronouncement by Hon'ble Supreme Court, the contention raised by petitioner, cannot be accepted.

6. The writ petition is, accordingly, dismissed.

**(Manoj Kumar Tiwari, J)**

17.06.2026

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