

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

BEFORE

**HON'BLE SHRI JUSTICE ANAND PATHAK
&
HON'BLE SHRI JUSTICE HIRDESH**

ON THE 20th OF SEPTEMBER, 2024

WRIT PETITION NO. 28254 of 2024

AU SMALL FINANCE BANK LTD.

Vs.

THE STATE OF MADHYA PRADESH AND OTHERS

APPEARANCE:

Shri Ajay Sharma – Advocate for the petitioner.

Shri Vivek Khedkar – Additional Advocate General for the respondents/State.

ORDER

1. The present petition under Article 226 of the Constitution of India is filed seeking following reliefs:-

"1) That, the respondents No.2 & 3 may be directed to get the possession delivered to the petitioner by acting upon the order annexure P/I in a stipulated time limit

2) any other relief deemed fit and expedient in the facts of the case may also be granted to the petitioner,

3) Cost of the petition be also awarded to the petitioner."

2. Facts of the case are that petitioner/ AU Housing Finance Ltd. has landed money/loan to the borrowers and they committed default in paying the same, therefore, proceedings under Securitisation and

Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (For brevity "SARFAESI Act") were initiated against them. However, as per Sections 13 & 14 of the SARFAESI Act, possession of the secured assets has not been handed over.

3. Learned counsel for the petitioner referred the order dated 27-02-2024 passed by the Coordinate Bench of this Court in bunch of writ petitions in which Writ Petition No.2078 of 2023 (IIFL Home Finance Ltd. Vs. The State of M.P. and Others) was the leading case and submits that similar controversy has been dealt with in these bunch of petitions.
4. In the said order certain directions were given to the District Administration/ Collector to ensure compliance of provisions as contained in the SARFAESI Act. Those directions for ready reference are reiterated as under:-

"1.(a) Petitioners, seeking completion of proceedings and order to be passed under Section 14 of the SARFAESI Act by the Collector, shall approach the Collector with the order passed today to complete the proceedings expeditiously and pass order under Section 14 of the SARFAESI Act as well as for timely execution of the order.

1.(b) The Collector shall pass the order under Section 14 of the SARFAESI Act as early as possible preferably within four weeks from the date of submission of certified copy of this order. Thereafter, the Collector shall ensure execution of the order in a time bound programme as directed by the Divisional Commissioner.

2.(a) Petitioners, seeking execution of the order passed under Section 14 of the SARFAESI Act by the respective Collector, shall approach the Collector with the order passed today for timely execution of the order passed under Section 14 of the SARFAESI Act.

2.(b) The concerned Collector shall adhere to a time bound schedule for expeditious execution of the order passed under Section 14 of the SARFAESI Act.

3. In all such cases, where DRT has passed interim orders against proceedings initiate under Section 13(2) and/ or 13(4) of the SARFAESI Act, the Collector shall defer action under Section 14 of the SARFAESI Act till such interim orders are modified or vacated facilitating completion of proceedings under Section 14 of the SARFAESI Act or the execution of orders passed under Section 14 of the SARFAESI Act."

5. Learned counsel for the petitioner seeks parity and prays that directions issued in those bunch of petitions shall be issued in the present case also.
6. Learned counsel for the respondents/ State fairly submits that he has no objection if direction is given in the light of the order passed in bunch of writ petitions as referred above and suitable compliance of the order shall be ensured by the respondents/authorities.
7. Heard.
8. Considering the submissions advanced, this writ petition is disposed of with a direction to the District Administration/ Collector to ensure

compliance of the directions as issued in the earlier bunch of writ petitions and do the needful as sought by the petitioner/ Housing Finance Ltd. in accordance with law.

9. With the aforesaid, the writ petition **stands disposed of.**

Anil*

(ANAND PATHAK)
JUDGE

(HIRDESH)
JUDGE