
(2026) 02 UK CK 1789

In the Uttarakhand High Court

Case No : Writ Petition Miscellaneous Single No. 340 Of 2026

India Shelter Finance Corporation

APPELLANT

Vs

Chief Judicial Magistrate & Others

RESPONDENT

Date of Decision : 16-02-2026

Acts Referred:

Securitisation And Reconstruction Of Financial Assets And Enforcement Of Security Interest Act, 2002 — Section 13(2), 13(4), 14

Citation : (2026) 02 UK CK 1789

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Sidhdharth Jain

Final Decision : Disposed Of

Judgement

Pankaj Purohit, J

1. The petitioner has moved this writ petition seeking for a direction in the nature of mandamus to the respondent no.1 to decide the application dated 27.08.2025 titled as Petition No.328 of 2025, India Shelter Finance Corporation Ltd. vs. Mrs. Promila Devi & others, annexure-4 and to complete the task of handing over the physical possession of the property in question to the petitioner Financial Institution with the assistance of the Police Personnel expeditiously within a shortest period prescribed by this Court.

2. It is the contention of the petitioner that petitioner is a secured creditor who sanctioned the home loan to the respondent no.2-the borrower amounting to Rs.13 lakhs. When the loan was not repaid by respondent no.2, the proceeding under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (For short "the SARFAESI, Act, 2002) was initiated. After giving notice under Sections 13(2) and 13(4) of the SARFAESI Act, 2002, the petitioner-secured creditor has moved the application to the CJM under Section 14 of the SARFAESI Act, 2002 to assist secured creditor in taking

possession of secured asset.

3. It is also the contention of learned counsel for the petitioner that the said application was moved by the petitioner on 27.08.2025 supported by an affidavit and was registered as Petition No. 328 of 2025, India Shelter Finance Corporation Ltd. vs. Mrs. Promila Devi & Others, before Respondent No. 1, the CJM, Dehradun. He further submitted that, till date, no progress has been made in the said application and it remains pending as originally filed.

4. An innocuous prayer has been made by the petitioner to this Court seeking a direction to the respondent no.1 to decide the said application within stipulated period.

5. The attention of this Court has been drawn by learned counsel for the petitioner to proviso Section 14 of the SARFAESI Act, 2002, wherein it is provided that after satisfying contents of the affidavits, the District Magistrate or the Chief Metropolitan Magistrate may pass suitable orders for the purpose of taking possession of the secured assets within a period of thirty days from the date of application and further proviso provides that the District Magistrate/Chief Metropolitan Magistrate may decide such application for a further period, recording the reasons in writing for the same, and pass the order within such further period but not exceeding in aggregate sixty days.

6. I have perused the proviso to Section 14 of the SARFAESI Act, 2002 and find that the submissions made by learned counsel for the petitioner are correct. The application has been pending since 27.08.2025 before the CJM.

7. In view of the above, the writ petition is disposed of with a direction to respondent no.1 to decide the application dated 27.08.2025, titled as Petition No. 328 of 2025, India Shelter Finance Corporation Ltd. vs. Mrs. Promila Devi & Others, within a period of thirty days from the date of production of a certified copy of this order, strictly in accordance with law.

8. Pending application, if any, stands disposed of accordingly.