

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 11666/2026

URN: CW / 25799U / 2026

Roha Housing Finance Pvt. Ltd., Having Its Registered Office At Jjt House, Plot No. A/44-45, Road No. 2, M.i.d.c. Andheri East Mumbai, Maharashtra. Branch Office At Plot No.a-56, Tapas Building, 2Nd Floor, Near Gayatri Ashram, Ajmer Road, Bhilwara (Raj.). Through Its Authorized Signatory And Power Of Attorney Holder Deepak Sharma S/o Shri Devdutt Sharma, Aged About 28 Years, R/o Azad Nagar, District Bhilwara (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through The Additional Chief Secretary Department Of Home, Secretariat, Jaipur.
2. The Director General Of Police Rajasthan, Jaipur Police Head Quarter, Lal Kothi Jaipur.
3. The Superintendent Of Police, Jaipur-Rural.
4. Rakesh Kumar Degra, Aged About 35 Years, S/o Shri Suja Ram Degra
5. Geeta Devi, Aged About 73 Years, W/o Suja Ram
6. Mukesh Kumar, Aged About 38 Years, S/o Suja Ram
7. Suja Ram S/o Nanda Ram, Aged About 71 Years, All Resident Of Address-1 Dhani Boraj, Jaipur, Rajasthan-303328, Address -2 Khasra No. 1000/6, 1001/3, Area 686.66 Sq Yes, Gram Dhani Boraj, Tehsil Jobner, District Jaipur, Rajasthan-303338.

-----Respondents

Connected With

S.B. Civil Writ Petition No. 11714/2026

URN: CW / 25917U / 2026

Roha Housing Finance Pvt. Ltd., Having Its Registered Office At J J T House, Plot No. A/44-45, Road No.2, M.I.D.C. Andheri East Mumbai, Maharashtra Branch Office At Plot No. A-56, Tapas Building, 2Nd Floor, Near Gayatri Ashram, Ajmer Road, Bhilwara (Raj) Through Its Authorized Signatory And Power Of Attorney Holder Deepak Sharma S/o Shri Devdutt Sharma , Aged About 28 Years, R/o Azad Nagar, District Bhilwara (Raj).



----Petitioner

Versus

1. State Of Rajasthan, Through The Additional Chief Secretary Department Of Home, Secretariat, Jaipur.
2. The Director General Of Police Rajasthan, Jaipur Police Head Quarter, Lal Kothi Jaipur.
3. The Superintendent Of Police, Jaipur Rural
4. Sheraj Bhakar, Aged About 38 Years, S/o Shri Baluram
5. Balu Ram, Aged About 71 Years, S/o Shribaksh Jat
6. Priyanka Choudhary, Aged About 30 Years, D/o Bansi Lal Choudhary
7. Sohan Devi W/o Baluram, Aged About 65 Years, All Resident Of Patta No. 59, Book No. 31, Gram Ramchandra Pura, Gram Panchayat Kishorapura, Jaipur (Rajasthan) 303005

----Respondents

For Petitioner(s)	:	Mr. Uday Shankar Ms. Nidhi Suwalka Mr. Jai Kumar Jain Mr. Uma Shankar Acharya
For Respondent(s)	:	Ms. Devakriti Vashishtha for Mr. Bhunesh Sharma, AAG

HON'BLE MR. JUSTICE ANAND SHARMA**Order****20/07/2026**

1. By way of filing these writ petitions, petitioners have challenged the condition imposed in order dated 03.11.2025 passed by the Court of District Collector and District Magistrate, Jaipur Rural, 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, Jaipur,



for providing police assistance to the petitioners for taking possession of secured asset. Petitioners have further challenged demand letter (Annex-4) issued by the office of Superintendent of Police, Jaipur (Rural), demanding expenses for providing police aid to the petitioners for taking possession of secured asset in compliance of order dated 03.11.2025 passed by Court of District Collector and District Magistrate, Jaipur.

2. Learned counsel for the petitioners submitted that petitioners are a financial institution and are also registered under the provisions of the Act of 2002. Respondents-borrowers availed loan from the petitioners. However, they failed to pay the loan as per stipulated conditions and within the scheduled time. Under these circumstances, the petitioners 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 petitioners and ultimately an application under Section 14 of the Act of 2002 was filed before the District Collector and Magistrate, Jaipur, for providing necessary measures to assist secured creditor (petitioners) in taking possession of the secured asset.

3. As per the petitioners, an application under Section 14 of the Act of 2002 filed by the petitioners were allowed vide order dated 03.11.2025, whereby petitioners were entitled to take physical possession of the secured asset and the Superintendent of Police, Jaipur, 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 petitioners is that after passing order by the Court of District Collector and District Magistrate, Jaipur 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 District Collector and District Magistrate, Jaipur, and till date police assistance has not been provided to the petitioners, which is causing serious prejudice and miscarriage of the justice to the petitioners, and consequently deprives the petitioners' possession of the secured asset, for which they are otherwise entitled under law and as per order passed by the Court of District Collector and District Magistrate, Jaipur.

5. Learned counsel for the petitioners further submits that although, there were no directions in order dated 03.11.2025 passed by the Court of District Collector and District Magistrate, Jaipur, yet respondent Superintendent of Police has in quite arbitrary manner demanded expenses for providing police assistance by issuing demand letter (Annex-4) and such demand is totally without jurisdiction and without authority of law.

6. The writ petitions were opposed by respondent-Police Department raising an objection that the writ petitions filed by the petitioners are not maintainable as the petitioners are having alternative efficacious remedy under the provisions of the Act of 2002; however, without exhausting such remedy, the petitioners have directly approached this Court by way of filing these writ petitions.

7. Ms. Devakriti Vashistha, learned counsel, appeared for Mr. Bhunesh Sharma, AAG for respondents and submitted that under the Police Act and Rules 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 respondents -Police 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 creates 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 petitioners 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(1A) of the Act of 2002, the concerned Magistrate can give directions to any officer subordinate to them 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 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, demand letter (Annex-4) issued by the Superintendent of Police, Jaipur, for demanding expenses, is hereby, quashed and set aside.

14. Accordingly, the writ petitions filed by the petitioners stand allowed.

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

(ANAND SHARMA),J

50-51/NEERU