



CGHC010202672026



2026:CGHC:35746

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2688 of 2026

1 - Griham Housing Finance Limited (Formerly Known As Magma Housing Finance Limited And Poonawala Housing Finance Limited)through Hemant Kusare, S/o Shri Natthuji, Aged About 46 Years Working As Area Legal Manager Having Office At 4th Floor, Girish Heights, Near Lic Square, Kamthi Road, Nagpur Pin -440001 Maharashtra

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secreatry Department Of Revenue, Mahanadi Bhawan , Atal Nagar Nava Raipur, Raipur Chhattisgarh

2 - The Tehsildar, Tehsil -Surajpur, District -Surajpur Pin-497229 (Chhattisgarh)

3 - Shivkumar S/o Dharampal R/o House No. 10/4 Departmental Seepal Path, Hatak Post Bishrampur, Village Gorakhnathpur, Tehsil-Surajpur, District -Surajpur, 497226 (Chhattisgarh)

4 - Dharampal S/o Ram Das R/o Ward No.5, Tower No.521
Departmental Colony Bshrampur Post Bishrampur, Village
Gorakhnathpur, Tehsil -Surajpur, District -Surajpur, 497226 Chhattisgarh

... Respondents

(Cause-title taken from the Case Information System)

For Petitioner :- Mr. Ritesh Sharma, Advocate

For State :- Mr. S.S. Choubey, G.A.

SB- Hon'ble Shri Justice Amitendra Kishore Prasad

Order On Board

12.08.2026

1. Following reliefs have been prayed in this petition:-

“10.1. That, this Hon'ble Court may be pleased to issue an appropriate writ, order, or direction directing the Respondent No. 2 to forthwith facilitate and ensure the handing over the of lawful possession of the mortgaged property to the Petitioner within a period of two weeks, in strict compliance with the order passed by the Chief Judicial Magistrate (Civil Judge Class-1) dated 02/02/2026, and to pass such other order(s) as this Hon'ble Court may deem fit and proper in the interest of justice.

10.2. That, this Hon'ble Court may graciously be pleased to issue an appropriate writ, order, or direction to the Tahsildar, Raipur, District Raipur, in light of the judgments passed in AU Small Finance Bank Limited (Supra) and PNB Housing Finance Ltd. (Supra), directing that after obtaining an order under Section 14 of the Securitisation and Reconstruction

of Financial Assets and Enforcement of Security Interest Act, 2002, the secured creditor shall not be compelled to run from pillar to post for execution of such order, and further directing the Tahsildar to ensure timely and effective execution of the said order, in the interest of justice.

10.3. That, any other relief/order which may deem fit and just in the facts and circumstances of the case may also be granted in favour of the petitioner with cost.”

2. At the outset, learned counsel for the petitioner submits that the issue involved in the present writ petition stands squarely covered by the order passed by this Court in ***WPC No. 2664 of 2026 (Griham Housing Finance Limited vs. State of Chhattisgarh and Others)*** decided on ***03.07.2026***. It is jointly prayed that the present writ petition may also be disposed of in terms of the observations and findings recorded therein.

3. Learned counsel appearing for the respondents has no objection to the aforesaid prayer.

4. The relevant paragraphs of the said judgment are reproduced below:—

“6. It is not in dispute that the petitioner, a secured creditor, had initiated proceedings under the provisions of the SARFAESI Act, 2002, and pursuant thereto, an application under Section 14 of the Act was preferred before the learned Chief

Judicial Magistrate, District Ambikapur. It is further an admitted position that the learned Chief Judicial Magistrate, vide order dated 9.2.2026, allowed the said application and categorically directed the concerned Tahsildar to take peaceful physical possession of the secured asset and hand over the same to the petitioner, with liberty to seek police assistance, if required. The said order has not been shown to have been set aside or stayed by any competent forum. In such circumstances, once an order under Section 14 of the SARFAESI Act has been passed by the competent Magistrate, the role of the executing authority, i.e., the Tahsildar, is ministerial in nature and it is incumbent upon the said authority to give effect to the order in its true letter and spirit.

7. Accordingly, considering the facts and circumstances of the case, in particular that the order under Section 14 of the SARFAESI Act has already been passed, this Court deems it appropriate to direct respondent No. 2 – the concerned Tahsildar, District Ambikapur, to comply with the order and directions issued by the learned Chief Judicial Magistrate vide order dated 9.2.2026, in its letter and spirit, if the same has not been challenged before the competent forum, expeditiously.

8. With the aforesaid direction, the writ petition stands disposed of. No order as to costs.”

5. Since the grievance of the petitioner is identical to the one considered in ***WPC No. 2664 of 2026 (Griham Housing Finance***

Limited vs. State of Chhattisgarh and Others) decided on ***03.07.2026***, and the petitioner in the present case is also seeking the same relief, the writ petition is accordingly ***disposed of*** in terms of and in line with the aforesaid order.

No order as to cost(s).

sd/-
(Amitendra Kishore Prasad)
Judge

Vishakha