IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 29th OF OCTOBER, 2026

WRIT PETITION No. 44328 of 2026

CNR No.: MPHC030296932026

BANK OF BARODA BRANCH MORENA THROUGH CHIEF MANAGER / AUTHORIZED OFFICER HEMENDRA JAISWALS/O KK JAISHWAL

Versus

STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Himanshu Gupta - Advocate for the petitioner.

Shri Ravindra Dixit - Government Advocate for State.

ORDER

This petition, under Article 226 of the Constitution of India, has been filed by the petitioner seeking following reliefs:-

"In the light of aforesaid facts and circumstances and grounds urged, the present petitioner bank most humbly prays that the present writ petition may kindly be allowed by directing the respondent no. 3 to obtain the physical possession of secured Assets comprising of 'immovable property' bearing land and building situated at Survey No. 817, Village Dhanela, Revenue Plot No. 817, Tehsil and District Morena, Madhya Pradesh, admeasuring 3300 Sq. Ft., owned by Shri Parimal Singh Sirdhana, within the period of 30 days in exercise of the powers under Section 14 of SARFAESI Act, 2002 to secure the ends of justice."

The facts of the case, in brief, are that the petitioner-Bank of Baroda sanctioned loan facilities aggregating to Rs.29,95,000/- to the borrower, namely, Shri Parimal Singh Sirdhana, against the security of an immovable property situated at Survey No.817, Village Dhanela, Revenue Plot No.817, Tehsil and District Morena, Madhya Pradesh, admeasuring 3300 sq. ft. Upon default in repayment of the loan, the loan accounts were classified as Non-Performing Assets (NPA), and proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the "SARFAESI Act") were initiated. The petitioner-bank thereafter approached respondent No.2 under Section 14 of the SARFAESI Act seeking assistance in obtaining physical possession of the secured asset. The application filed by the petitioner-bank was registered as Case No.0186/2023-24/B-121, titled Bank of Baroda v. Parimal Singh and Anr., and was allowed vide order dated 01.03.2024, directing that physical possession of the secured asset be obtained and handed over to the petitioner-bank.

Learned counsel for the petitioner submits that despite the aforesaid order, physical possession of the secured asset has not yet been obtained and handed over to the petitioner-bank. It is submitted that the officers of the petitioner-bank have repeatedly approached respondent No.3/Tehsildar, Tehsil and District Morena, requesting execution of the order dated 01.03.2024; however, no effective action has been taken till date. Learned counsel further submits that the controversy involved in the present petition is squarely covered by the order dated 29.10.2025 passed by this Court in

W.P. No.41410/2025 (Indian Bank, formerly known as Allahabad Bank, Branch Sanatan Dharm Mandir Road (Main Branch), Gwalior Vs. State of Madhya Pradesh and Others), wherein, while considering a similar grievance relating to non-execution of proceedings under Section 14 of the SARFAESI Act, this Court directed the District Administration/Collector to ensure compliance with the directions issued in the earlier batch of writ petitions and further directed the concerned Tehsildar to do the needful within one month.

Learned Government Advocate appearing for the respondents/State fairly submits that appropriate directions may be issued in terms of the aforesaid order and assures that the authorities shall comply with the directions issued by this Court.

Heard learned counsel for the parties and perused the record.

In the case of IIFL Home Finance Ltd. Vs. State of M.P. and Others, bearing W.P. No.2078/2023, the Coordinate Bench of this Court issued directions to the District Administration/Collector regarding expeditious completion and execution of proceedings under Section 14 of the SARFAESI Act. The said directions were thereafter relied upon by this Court in W.P. No.41410/2025, decided on 29.10.2025, in a similar matter concerning the execution of an order passed under Section 14 of the SARFAESI Act.

The relevant directions, as reiterated in the aforesaid order, require the Collector to ensure timely execution of orders passed under Section 14 of the SARFAESI Act and to adhere to a time-bound schedule for such execution.

It was further directed that where the DRT has passed any interim order against proceedings under Section 13(2) and/or 13(4) of the SARFAESI Act, action under Section 14 may be deferred until such interim order is modified or vacated.

In the present case, the order dated 01.03.2024 passed by respondent No.2 in proceedings under Section 14 of the SARFAESI Act has already been passed in favour of the petitioner-bank. However, despite the lapse of a substantial period, the said order has not been executed and physical possession of the secured asset has not been handed over to the petitioner-bank. The petitioner has also pleaded that it has not received any notice or summons from the Debt Recovery Tribunal, Jabalpur, regarding the filing of any securitisation application under Section 17 of the SARFAESI Act and that, to the knowledge of the petitioner-bank, no order has been passed by any Court, Forum or Tribunal restraining execution of the order dated 01.03.2024.

In these circumstances, having regard to the nature of the proceedings contemplated under Section 14 of the SARFAESI Act and the directions issued by this Court in the aforesaid cases, the concerned District Administration is required to ensure expeditious execution of the order passed in favour of the petitioner-bank, in accordance with law.

Accordingly, this writ petition is disposed of with a direction to the Collector/District Administration, Morena, to ensure expeditious execution of the order dated 01.03.2024 passed in Case No.0186/2023-24/B-121 and to take necessary steps, in accordance with law, for obtaining and handing over

physical possession of the secured asset to the petitioner-bank.

The respondent No.3/Tehsildar, Tehsil and District Morena, along with the other competent authorities concerned, shall take necessary steps to execute the aforesaid order and complete the process of obtaining and handing over physical possession of the secured asset to the petitioner-bank, preferably within a period of **one month** from the date of receipt of a certified copy of this order, subject to there being no subsisting order of stay or other legal impediment passed by any competent Court or Tribunal.

It is made clear that this Court has not expressed any opinion on the merits of the proceedings under the SARFAESI Act and the authorities shall proceed strictly in accordance with law.

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

(MILIND RAMESH PHADKE)
JUDGE

VJ