HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 10026/2026
URN: CW / 22352U / 2026

Jana Small Finance Bank Limited, Having Its Registered Office At- Having Registered Office At The Fairway, Groiund And First Floor, Survey No. 10/1, 11/2 And 12/2B, Off Domlur, Koramangala Inner Ring Road, Challaghatta, Banglore 560071 Through Authorised Representative Mr. Gaurav Vyas.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary Of Department Of Home, Jaipur, Rajasthan.
2. The Superintendent Of Police, Deeg, Rajasthan.
3. The Station Housing Officer, P.s. Brijnagar, Deeg.
4. Ballo S/o. Mr. Jalli, R/o. Sirthala, Bharatpur, Rajasthan - 321205.
5. Mr. Jalli S/o. Mr. Jugal, R/o. Sirthala, Bharatpur, Rajasthan 321205.
6. Mrs. Keshan W/o. Mr. Jalli, R/o. Sirthala, Bharatpur, Rajasthan 321205.

----Respondents

Connected with

S.B. Civil Writ Petition No. 10027/2026
URN: CW / 22354U / 2026

Motilal Oswal Home Finance Limited, Having Its Registered Office At- Having Its Registered Office At- Maotilal Oswal Tower, Rahimtullah Sayani Road, Opp. Parel St. Depo Prabhadevi, Mumbai-400025, And Branch Office 401,402,501,502 K J City Tower, Ashok Marg, C-Scheme, Jaipur 302001 Through Authorised Representative Mr. Vishan Singh.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary Of Department Of Home, Jaipur, Rajasthan.
2. The Superintendent Of Police, Deeg, Rajasthan.
3. The Station Housing Officer, Ps - Sikri, Deeg.

4. Nemwati, R/o. Palka, Nagar, Present District - Deeg, Rajasthan 321024.
5. Shankar Singh, R/o. Palka, Nagar Present District - Deeg, Rajasthan 321024.

----Respondents

S.B. Civil Writ Petition No. 10030/2026
URN: CW / 22362U / 2026

Jana Small Finance Bank Limited, Having Its Registered Office At- Having Registered Office At The Fairway, Groiund And First Floor, Survey No. 10/1, 11/2 And 12/2B, Off Domlur, Koramangala Inner Ring Road, Challaghatta, Banglore 560071 Through Authorised Representative Mr. Gaurav Vyas.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary Of Department Of Home, Jaipur, Rajasthan.
2. The Superintendent Of Police, Alwar, Rajasthan.
3. The Station Housing Officer, Ps Nogava, Alwar.
4. Mubeen Khan S/o. Kale Khan, R/o. Parawada, Alwar, Rajasthan 301025.
5. Mrs. Faiman W/o. Mubeen Khan, R/o. Parawada, Alwar, Rajasthan 301025.

----Respondents

S.B. Civil Writ Petition No. 10355/2026
URN: CW / 22994U / 2026

Jana Small Finance Bank Limited, Having Its Registered Office At- Having Registered Office At The Fairway, Groiund And First Floor, Survey No. 10/1, 11/2 And 12/2B, Off Domlur, Koramangala Inner Ring Road, Challaghatta, Banglore 560071 Through Authorised Representative Mr. Gaurav Vyas.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary Of Department Of Home, Jaipur, Rajasthan.

2. The Superintendent Of Police, Alwar, Rajasthan.
3. The Station Housing Officer, Ps Trhanagaji, Alwar.
4. Mr. Gopi Sharma S/o. Mr. Mamraj Sharma, R/o. Village Budhiyawas, Duhar Chaugan, Alwar.
5. Mrs. Ratni Devi W/o. Mr. Gopi Sharma, R/o. Village Budhiyawas, Duhar Chaugan, Alwar.

----Respondents

S.B. Civil Writ Petition No. 10356/2026
URN: CW / 22996U / 2026

Jana Small Finance Bank Limited, Having Its Registered Office At- Having Registered Office At The Fairway, Groiund And First Floor, Survey No. 10/1, 11/2 And 12/2B, Off Domlur, Koramangala Inner Ring Road, Challaghatta, Banglore 560071 Through Authorised Representative Mr. Gaurav Vyas.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary Of Department Of Home, Jaipur, Rajasthan.
2. The Superintendent Of Police, Deeg, Rajasthan.
3. The Station Housing Officer, Ps Janoothar, Deeg.
4. Mr. Munesh S/o. Mr. Ramesh, R/o. Taraduar, Bharatpur - 321205.
5. Mrs. Aneeta W/o. Mr. Munesh, R/o. Taraudar, Bharatpur 321205.

----Respondents

S.B. Civil Writ Petition No. 10357/2026
URN: CW / 22999U / 2026

Jana Small Finance Bank Limited, Having Its Registered Office At- Having Registered Office At The Fairway, Groiund And First Floor, Survey No. 10/1, 11/2 And 12/2B, Off Domlur, Koramangala Inner Ring Road, Challaghatta, Banglore 560071 Through Authorised Representative Mr. Gaurav Vyas.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary Of Department Of Home, Jaipur, Rajasthan.
2. The Superintendent Of Police, Deeg, Rajasthan.
3. The Station Housing Officer, Ps Janoothar, Deeg.
4. Mr. Peetam Singh S/o. Raghunath, R/o. Tarondur, Deeg 321205.
5. Mrs. Satto W/o. Mr. Peetam Singh, R/o. Tarondur, Deeg 321205.

----Respondents

S.B. Civil Writ Petition No. 10358/2026
URN: CW / 23001U / 2026

Jana Small Finance Bank Limited, Having Its Registered Office At- Having Registered Office At The Fairway, Groiund And First Floor, Survey No. 10/1, 11/2 And 12/2B, Off Domlur, Koramangala Inner Ring Road, Challaghatta, Banglore 560071 Through Authorised Representative Mr. Gaurav Vyas.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary Of Department Of Home, Jaipur, Rajasthan.
2. The Superintendent Of Police, Deeg, Rajasthan.
3. The Station Housing Officer, Ps Jaluki, Deeg.
4. Mr. Omveer S/o. Roshan, R/o. Village Morarka, Manota Kalan, Tehsil Nagar, Deeg.
5. Mrs. Omvati W/o. Mr. Omveer, R/o. Village Morarka, Manota Kalan, Tehsil Nagar, Deeg.

----Respondents

S.B. Civil Writ Petition No. 10368/2026
URN: CW / 23015U / 2026

Jana Small Finance Bank Limited, Having Its Registered Office At- Having Registered Office At The Fairway, Groiund And First Floor, Survey No. 10/1, 11/2 And 12/2B, Off Domlur, Koramangala Inner Ring Road, Challaghatta, Banglore 560071 Through Authorised Representative Mr. Gaurav Vyas.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary Of Department Of Home, Jaipur, Rajasthan.
2. The Superintendent Of Police, Alwar, Rajasthan.
3. The Station Housing Officer, Ps Tehla, Alwar.
4. Mrs. Anju Bai Meena W/o. Mr. Mangal Ram Meena, R/o. Pai Ka Guvada, Beegotha, Alwar.
5. Mr. Mangal Ram Meena S/o. Me. Rajpal Meena, R/o. Pai Ka Guvada, Beegotha, Alwar.
6. Mr. Rajpal Meena S/o. Mr. Panchu Ram, R/o. Pai Ka Guvada, Beegotha, Alwar

----Respondents

S.B. Civil Writ Petition No. 10375/2026
URN: CW / 23026U / 2026

Jana Small Finance Bank Limited, Having Its Registered Office At- Having Registered Office At The Fairway, Groiund And First Floor, Survey No. 10/1, 11/2 And 12/2B, Off Domlur, Koramangala Inner Ring Road, Challaghatta, Banglore 560071 Through Authorised Representative Mr. Gaurav Vyas.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary Of Department Of Home, Jaipur, Rajasthan.
2. The Superintendent Of Police, Beawar, Rajasthan.
3. The Station Housing Officer, Ps Sadar, Beawar.
4. Mr. Kailash Mali S/o. Mr. Chandra Mali, R/o. Village Devgarh, Tehsil Masuda, District Beawar 305202.
5. Mrs. Meera W/o. Mr. Kailash Mali, R/o. Village Devgarh, Tehsil Masuda, District Beawar 305202.

----Respondents

For Petitioner(s)	:	Mr. Akhilesh Pareek, Adv. Mr. Punit Mathur, Adv.
For Respondent(s)	:	Mr. Somitra Chaturvedi, Dy. GC

Ms. Devakriti Vashistha, AAAG & Ms. Sunita Meena, AGC for
Mr. Bhuwnesh Sharma, AAG

HON'BLE MR. JUSTICE ANAND SHARMA

Judgment

Reportable

30/06/2026

1. Since all the above writ petitions involve almost identical facts, grievances and causes of action, therefore, with the consent of learned counsel for the parties, the above writ petitions were heard together and are being decided by this common order.

2. For the sake of convenience facts stated in S.B. Civil Writ Petition No.10026/2026 (Jana Small Finance Bank Limited Vs. State of Rajasthan & Ors.) have been taken into consideration.

3. Uncontroverted facts are that the petitioner is a financial institution duly registered under the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act of 2002'). Private respondents availed financial assistance by mortgaging the secured asset. However, private respondents utterly failed to repay the loan as per time schedule fixed, therefore, under these circumstances, the petitioner financial institution invoked provisions of Section 13 of the Act of 2002 and even after recall of the loan amount when borrowers did not repay the loan, proceedings under Section 13(4) of the Act of 2002 were undertaken.

4. Thereafter, the petitioner financial institution filed an application under Section 14 of the Act of 2002 before the District Magistrate, Deeg to assist the secured creditor in taking possession of the secured asset. The application filed by the petitioner was allowed by the District Magistrate vide order dated 16.09.2025, whereby the petitioner Finance Company was held entitled for taking physical possession of the secured asset and even directions were given for granting police assistance to the petitioner company for taking possession of the secured asset.

5. Thereafter, with the aid of police authorities physical possession of secured asset was taken and handed over to the petitioner company.

6. It is the case of petitioner company that although, pursuant to order passed by the District Magistrate under Section 14 of the Act of 2002 physical possession of secured asset was validly handed over to the petitioner Finance Company, yet in quite dishonest and malafide manner, the borrowers have unauthorizedly re-entered in the premises for secured asset which is nothing but over reaching the process of law. Hence, this writ petition has been filed by the petitioner seeking direction against the Superintendent of Police and S.H.O. of concerned Police Station for ensuring restoration of possession of the secured asset to the petitioner as well as to take other necessary action under the law.

7. It is also submitted by Shri Akhilesh Pareek, learned counsel for the petitioner that under the aforesaid circumstances where the borrowers have forcefully entered into the secured asset, despite the possession thereof was lawfully handed over to

the petitioner under the order of District Magistrate under Section 14 of the Act of 2002, hence valuable rights of the petitioner Finance Company are being infringed and respondent Nos.2 and 3 are under legal obligation to protect such rights to the petitioner.

8. Mr. Somitra Chaturvedi, Deputy Government Counsel appearing for Police Department seriously opposed the writ petition and submitted that the petitioner has got alternative efficacious remedy under the Act of 2002 itself, therefore, the writ petition filed by the petitioner is not maintainable and rather the petitioner can seek appropriate directions from the concerned Magistrate, who has passed initial order under Section 14 of the Act of 2002.

9. In rejoinder, learned counsel for the petitioner submitted that jurisdiction of Magistrate under Section 14 is administrative in nature and not adjudicatory hence repeated orders under Section 14 of the Act of 2002 are neither permissible, nor desirable under the circumstances and once the order was passed by the concerned Magistrate under Section 14, the respondents Police Authorities are duty bound to protect the possession of the petitioner over the secured asset.

10. Heard the rival contentions advanced by learned counsel for the parties and perused the material on record.

11. Core questions involved in these matters is that once the District Magistrate/Chief Metropolitan Magistrate issues directions under Section 14 of the Act of 2002 directing for taking physical possession of the secured asset with the police assistance and pursuant thereto, possession is also handed over to the secured creditor, a writ petition under Article 226 of the

Constitution of India would be maintainable or not, in the event the borrower forcibly re-enters the secured asset in violation of such order, or whether an alternative remedy is available under the provisions of the Act of 2002.

12. Since, the controversy revolves around the provisions of Section 14(1) and (2), relevant portion thereof is being reproduced hereunder:-

> *"**14. Chief Metropolitan Magistrate or District Magistrate to assist secured creditor in taking possession of secured asset.—**(1) Where the possession of any secured assets is required to be taken by the secured creditor or if any of the secured assets is required to be sold or transferred by the secured creditor under the provisions of this Act, the secured creditor may, for the purpose of taking possession or control of any such secured assets, request, in writing, the Chief Metropolitan Magistrate or the District Magistrate within whose jurisdiction any such secured asset or other documents relating thereto may be situated or found, to take possession thereof, and the Chief Metropolitan Magistrate or, as the case may be, the District Magistrate shall, on such request being made to him—*
>
> *(a) take possession of such asset and documents relating thereto; and*
>
> *(b) forward such asset and documents to the secured creditor:*
>
> *[1][Provided that any application by the secured creditor shall be accompanied by an affidavit duly affirmed by the authorised officer of the secured creditor, declaring that—*
>
> *(i) the aggregate amount of financial assistance granted and the total claim of the Bank as on the date of filing the application;*
>
> *(ii) the borrower has created security interest over various properties and that the Bank or Financial Institution is holding a valid and subsisting security interest over such properties and the claim of the Bank or Financial Institution is within the limitation period;*
>
> *(iii) the borrower has created security interest over various properties giving the details of properties referred to in sub-clause (ii) above;*
>
> *(iv) the borrower has committed default in repayment of the financial assistance granted aggregating the specified amount;*
>
> *(v) consequent upon such default in repayment of the financial assistance the account of the borrower has been classified as a non-performing asset;*
>
> *(vi) affirming that the period of sixty days notice as required by the provisions of sub-section (2) of section 13, demanding payment of the defaulted financial assistance has been served on the borrower;*

(vii) the objection or representation in reply to the notice received from the borrower has been considered by the secured creditor and reasons for non-acceptance of such objection or representation had been communicated to the borrower;

(viii) the borrower has not made any repayment of the financial assistance in spite of the above notice and the Authorised Officer is, therefore, entitled to take possession of the secured assets under the provisions of sub-section (4) of section 13 read with section 14 of the principal Act;

(ix) that the provisions of this Act and the rules made thereunder had been complied with:

Provided further that on receipt of the affidavit from the Authorised Officer, the District Magistrate or the Chief Metropolitan Magistrate, as the case may be, shall after satisfying the contents of the affidavit pass suitable orders for the purpose of taking possession of the secured assets1 [within a period of thirty days from the date of application]:

[1][Provided [2][also] that if no order is passed by the Chief Metropolitan Magistrate or District Magistrate within the said period of thirty days for reasons beyond his control, he may, after recording reasons in writing for the same, pass the order within such further period but not exceeding in aggregate sixty days.]

Provided also that the requirement of filing affidavit stated in the first proviso shall not apply to proceeding pending before any District Magistrate or the Chief Metropolitan Magistrate, as the case may be, on the date of commencement of this Act.]

[3][(1A) The District Magistrate or the Chief Metropolitan Magistrate may authorise any officer subordinate to him,—

(i) to take possession of such assets and documents relating thereto; and

(ii) to forward such assets and documents to the secured creditor.]

(2) For the purpose of securing compliance with the provisions of sub-section (1), the Chief Metropolitan Magistrate or the District Magistrate may take or cause to be taken such steps and use, or cause to be used, such force, as may, in his opinion, be necessary."

13. Bare perusal of the aforesaid provisions would make it clear that under Section 14(1) necessary orders can be passed by the Chief Metropolitan Magistrate or District Magistrate, as the case may be for the purpose of taking possession of the secured asset. Section 14(2) of the Act further provides that for the purpose of securing compliance with the provisions of sub-section (1) the Chief Metropolitan Magistrate or District Magistrate may

direct for taking necessary steps or cause to be used force which in his opinion is necessary.

14. The expression "for the purpose of securing compliance with the provisions of sub-section (1)" is apparently having wide amplitude and cannot be interpreted in a narrow manner. Once possession is handed over under the orders of concerned Magistrate under Section 14, it would essentially mean the right of secured creditor to continue such possession which is an integral part of proceedings under Section 14. Section 14(2) of the Act of 2002 would also make it clear that such provision confers enabling power upon the concerned Magistrate for ensuring compliance of any order passed by the Magistrate under Section 14. If possession delivered under the Magistrate's authority is subsequently disturbed by force or trespass, the Magistrate's power under Section 14(2) can reasonably be construed as extending to restoration of status quo ante, so that the original order is not frustrated.

15. This Court finds that after passing order under Section 14 for taking over possession of the secured asset and handing over the same to the secured creditor, concerned Magistrate does not become functus officio and the apprehension of the petitioner that after passing initial order under Section 14 of the Act of 2002, concerned Magistrate is rendered powerless, is totally misconceived and is misinterpretation of clear language of Section 14(2) of the Act of 2002. In view of the language of the aforesaid provision, it is clear that the concerned Magistrate is having power not only to take possession through police assistance of the secured asset, but power is also vested with him for passing

subsequent orders for ensuring the compliance of earlier order passed by the Magistrate. Any other interpretation of the aforesaid provision is likely to frustrate the proceedings under Section 14 and to render the powers conferred to the concerned Magistrate as meaningless and ineffective.

16. Under these circumstances, this Court is of the opinion that ensuring compliance of the order earlier passed under Section 14 is also integral and indispensable part of powers conferred to the Magistrate under Section 14(2) of the Act of 2002, in case, the borrower or any other person violates the directions given by the concerned Magistrate under Section 14 and unauthorizedly re-enters in the premises of secured asset then the aggrieved secured creditor is well within its right to approach the concerned Magistrate by way of filing an application under Section 14(2) of the Act of 2002 with a prayer to secure compliance of earlier order passed by the Magistrate. Such application shall be examined in accordance with law by the concerned Magistrate and appropriate orders for securing compliance of the earlier order can be passed. Thus this Court, on the basis of foregoing discussion, comes to the conclusion that the petitioners are having efficacious remedy under the provisions of Section 14(2) of the Act of 2002 before the concerned Magistrate.

17. In the instant cases, admittedly the petitioners have not approached the concerned Magistrate by way of filing any such application under Section 14 (2) of the Act of 2002. This Court finds that under such circumstances, the present writ petitions filed by the petitioners are totally premature and not

maintainable. In view foregoing discussions, the writ petitions filed by the petitioner can not be entertained and are hereby dismissed.

18. However, mere dismissal of the present writ petitions shall not curtail rights of the petitioner financial institution to approach the concerned Magistrate by way of filing an application under Section 14(2) for securing compliance of earlier order passed by the Magistrate under Section 14. Any such proceedings shall be treated in continuation to the earlier proceedings under Section 14 of the Act of 2002. The concerned Magistrate, upon filing of such application, shall examine the contents of the application and shall pass appropriate orders strictly in accordance with law, for securing compliance of its earlier order passed by the concerned Magistrate for the purpose of taking possession of the secured asset and to hand over such possession to the secured creditor. In the event, any such application is filed, same shall be decided expeditiously by the concerned Magistrate.

19. Office is directed to place a copy of this order on record of each writ petitions.

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

(ANAND SHARMA),J

18,19,22,26-31/Jatin