RAJASTHAN HIGH COURT
सत्यमेव जयते

# HIGH COURT OF JUDICATURE FOR RAJASTHAN
# BENCH AT JAIPUR

S.B. Civil Writ Petition No. 18963/2026
CNR: RJHC020830972026 | URN: CW / 39414U / 2026

Rajasthan High Court
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Ummeed Housing Finance Private Limited, Reg. Office At Office No. 2009-2014, 20Th Floor, Magnum Global Park, Sector 58, Gurgaon, Haryana - 122011 Through The Authorized Officer Mr. Jai Sharma, Branch Office At 3rd Floor, Axis Mall, Bhagwan Das Road, C-Scheme, Jaipur, Rajasthan-302001.

----Petitioner

Versus

1. State Of Rajasthan, Through Additional Chief Secretary, Department Of Home, Secretariat, Jaipur
2. The Principal Secretary, Department Of Finance, Secretariat, Jaipur.
3. The Director General Of Police, Rajasthan, Jaipur Police Head Quarter, Lal Kothi, Jaipur
4. The Superintendent Of Police, Sikar
5. Badri Lal Nayak S/o Sh. Fattu Ram Nayak, Resident Of 230, Nayakon Ka Mohalla, Tehsil-Dataramgarh, Khood, Sikar Rajasthan- 332023
6. Rajesh Kumar S/o Sh. Badri Prasad, Resident Of Ward No. 14, Khood, Sikar, Dataramgarh, Rajasthan- 332023
7. Champa W/o Sh. Badrilal, Resident Of Ward No. 6, 230, Nayakon Ka Mohalla, Tehsil-Dataramgarh, Khood, Sikar Rajasthan- 332023

----Respondents

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|---|---|---|
| For Petitioner(s) | : | Mr. Akshay Khandelwal on behalf of Mr. Saransh Ghiya |
| For Respondent(s) | : | Ms. Devakriti Vashishtha on behalf of Mr. Bhuwnesh Sharma, AAG |

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**HON'BLE MR. JUSTICE ANAND SHARMA**
**Order**

**30/10/2026**

1. By way of filing this writ petition, petitioners have challenged condition imposed in order dated 06.03.2024 passed by District Magistrate, Sikar, on application under Section 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act of

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2002'), whereby directions have been given to the Superintendent of Police, Sikar, for providing police assistance to the petitioners for taking possession of secured asset. Petitioners have further challenged demand letter dated 27.03.2026 issued by the Superintendent of Police, Sikar, demanding expenses for providing police aid to the petitioner for taking possession of secured asset in compliance of order dated 06.03.2024 passed by District Magistrate, Sikar.

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2. Learned counsel for the petitioners submits that petitioners are the financial institution and is also registered under the provisions of the Act of 2002. Respondents-borrower availed loan from the petitioner. 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 Magistrate, Sikar, for providing necessary measures to assist secured creditor (petitioner) in taking possession of the secured asset.

3. As per the petitioner, an application under Section 14 of the Act of 2002 filed by the petitioners was allowed vide order dated 06.03.2024, whereby petitioners were entitled to take physical possession of the secured asset and the Superintendent of Police, Sikar, was directed to provide police assistance to the petitioner-secured creditor for the purpose of taking possession of the aforesaid asset.

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4. Grievance of the petitioners is that after passing order by the District Magistrate, Sikar, 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 Magistrate, Sikar, and till date police assistance has not been provided to the petitioner, which is causing serious prejudice and miscarriage of the justice to the petitioners, and consequently deprives the petitioner of possession of the secured asset, for which he is otherwise entitled under law and as per order passed by District Magistrate, Sikar.

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5. Learned counsel for the petitioners further submits that although there were no directions in order dated 06.03.2024 passed by District Magistrate, Sikar, yet respondent-Superintendent of Police has in quite arbitrary manner demanded expenses for providing police assistance by issuing letter dated 27.03.2026 and such demand is totally without jurisdiction and without authority of law.

6. The writ petition was opposed by respondent-Police Department raising an objection that the writ petition filed by the petitioners is 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 this writ petition.

7. Learned counsel for the respondents also submitted that under the Police Act and Rules made as well as on the basis of the circulars issued by respondent-Department from time to

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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 respondent-Department cannot be said to be illegal or arbitrary.

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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 created 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, 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

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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 Section14 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****.*
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> .....
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> *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. Learned counsel for the petitioner has also relied upon the judgment delivered by the Division Bench of this Court at Principal Seat, Jodhpur, in the case of ***AU Small Finance Bank Ltd. Vs. The State of Rajasthan & Ors. (D.B. Special Appeal Writ No.1107/2026)***, decided on 29.10.2026, wherein following observations have been made:

> *"34. In view of the above, this Court is of opinion that an efficient, robust and expeditious mechanism for the recovery of outstanding dues would not only instil confidence among banking institutions in the country to lend money with greater assurance and security, but would also strengthen the financial ecosystem, facilitate the smooth flow of credit, and ultimately serve as a catalyst for the sustained growth, economic*

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> *prosperity and overall development of our nation. Accordingly, we are of the considered view that the learned Single Judge was not justified in rejecting the claim of the appellant-Bank and directing it to deposit charges at the rates prescribed under Rule 10 of the Rajasthan Police Rules, 2008, for the provision of additional police force to implement orders passed under Section 14 of the SARFAESI Act.*
> *35.Hence, the appeals merit acceptance and the same are, hereby, allowed. The order dated 12.08.2026 passed by the learned Single Judge is quashed and set aside, and the writ petitions stand allowed. The respondent-State is directed to provide the requisite additional police force for effective implementation of orders passed under Section 14 of the SARFAESI Act, without levying any charges in this regard."*

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13. In the light of above observations given in the cases of ***Tyger Home Finance Private Limited (supra)*** & ***AU Small Finance Bank Ltd. (supra)***, this Court is also of the similar view that as under Section 14(1-A) of the Act of 2002, the concerned Magistrate can give direction to any officer subordinate to him 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 police authorities is without jurisdiction. In the instant case, 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.

14. In view of above discussion, order dated 06.03.2024 passed by the District Magistrate, Sikar, and letter dated 27.03.2026 issued by the Superintendent of Police, Sikar, for demanding expenses, are hereby, quashed and set aside.

15. Accordingly, the writ petition filed by the petitioners stands allowed.

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

(ANAND SHARMA),J

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