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WP-17896-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE ATUL SREEDHARAN

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HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL

ON THE 2nd OF JULY, 2025WRIT PETITION No. 17896 of 2025*EQUITAS SMALL FINANCE BANK**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Ravindranath Chaturvedi - Advocate for the petitioner.

Shri Harpreet S Ruprah- Additional Advocate General with Shri

Rajvardhan Dutt Pararha- Government Advocate for the respondent/State.
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ORDER

Per. Justice Atul Sreedharan

Heard on I.A No. 12255 of 2025, which is an application for modification of the order dated 26.06.2025 by which this Court *inter alia* had directed the Collector, Bhopal to institute an enquiry with regard to the dereliction of duty by the Tehsildar/Mr.Dilip Kumar Chaurasiya and conclude the same within three months from the date of the order and it had also directed the Lokayukat to enquire (without registering an FIR, in the nature of preliminary enquiry) into the assets of the Tehsildar in order to ascertain whether his properties are disproportionate to the known sources of his income as was *prima facie* inferred by this Court for the reasons stated in that order, which arose from a case of taking possession and handing over to



the financial institution, the property that was kept as collateral security, under section 14 of the SARFAESI Act. After that order was passed, the Tehsildar did not do the needful of acting in compliance of the order under section 14 of the SARFAESI Act, which was passed on 23.07.2024 for more than eight months. In this case, if after the preliminary enquiry, it comes to the notice of the Lokayukat that the assets of Tehsildar/Mr. Dilip Kumar Chourasiya are disproportionate to the known sources of his income, it must register an FIR under the relevant provisions of the Prevention of Corruption Act and investigate the case after following the procedure established by law.

Learned Additional Advocate General appearing for the respondent/State has prayed for mercy to be shown to the Tehsildar.

The time for mercy has long gone by. Wherever there appears to the Court that a public servant has in all probability not acted, or omitted to act, for corrupt and for extraneous reasons, they must be taken to task. The said order was passed as this Court was being flooded with similar petitions only to direct the Tehsildar to perform his duties under the law, of taking possession of the collateral security, and handing over the same to the financial institution. This Court has also been informed that some such cases are pending for nearly three years after the order has been passed under section 14 of the SARFAESI Act (period to be verified). This shows the utter disrespect that the Tehsildars have even for their own superior officer that they deliberately delay the execution of orders under section 14 of the SARFAESI Act, in all probability for extraneous considerations and it goes, not just to dilute the provisions of the SARFAESI Act, but render it



toothless. That must now change. The same shall begin with this particular Tehsildar/Dilip Kumar Chaurasiya.

Under the circumstances, I.A No. 12255 of 2025 is dismissed.

As the possession of the property has been taken and handed over to the financial institution and therefore, the petition no longer survives.

Under the circumstances, the writ petition is disposed off as infructuous.

(ATUL SREEDHARAN)
JUDGE

(DINESH KUMAR PALIWAL)
JUDGE

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