

Court No. - 3

Case :- WRIT - C No. - 9685 of 2023

Petitioner :- P.N.B. Thru. Ambar Presently Posted As Authorised Officer /Chief Manager

Respondent :- State Of U.P. Thru. Adll Chief Secy. Home Deptt. Lko. And 8 Others

Counsel for Petitioner :- Abhay Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

1. Heard learned counsel for the parties and perused the record.
2. The petitioner has approached this Court challenging the illegal demand raised on 01.08.2023 and 03.08.2023 upon the letter dated 19.07.2023 whereby the police authorities are asking the petitioner-Bank to deposit money for providing police force for execution of order under Section 14 of the SARFAESI Act, 2002.
3. The order dated 15.02.2023 of the District Magistrate passed under SARFAESI Act, 2002 specifically directs the Superintendent of Police, Lakhimpur Kheri and Sub-Divisional Magistrate, Lakhimpur, District Kheri to ensure possession is provided to the petitioner by providing required police force on priority basis. The said order itself is clear directing the police to provide police force. Now, the demand being made by the police authorities is illegal and in violation of provision of SARFAESI Act.
4. Learned Standing Counsel on instructions states that the order of District Magistrate under Section 14 of the SARFAESI Act has not given effect yet by delivery of possession.
5. Therefore, the illegal demand raised on 01.08.2023 and 03.08.2023 upon letter dated 19.07.2023 is set aside. The Superintendent of Police, Lakhimpur Kheri is directed to ensure compliance of order of District Magistrate dated 15.02.2023, as expeditious as possible without any delay.
6. The writ petition is ***disposed of***.

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[Manish Kumar, J.] [Vivek Chaudhary, J.]

Order Date :- 6.11.2023/-Amit K-