

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CJ Court

Case: **WP(C) No. 741/2025**

The Jammu and Kashmir Bank Limited,
A company incorporated under the
Companies Act, having its Registered
and Corporate Zonal Office, M.A. Road,
Srinagar and Zonal Office at Rail Head
Complex, Jammu
through Sh. Mandeep Dev Singh,
Manager, age 44 years

.....Appellant(s)/Petitioner(s)

Through :- Mr. R.K. Jain, Sr. Advocate with
Mr. Kritika Jain, Advocate

v/s

1. Union Territory of J&K
Through Financial Commissioner,
Revenue Department,
Civil Secretariat, Srinagar
2. The District Magistrate,
Union Territory of J&K,
District Samba
3. The Additional District Magistrate,
Union Territory of J&K,
District Samba
4. The Tehsildar, Bari Brahmana, District
Samba, Union Territory of Jammu and
Kashmir
5. Aditya Malhotra
S/O Sh. Amrit Malhotra
R/O House No. 3,
Residency Road, Jammu
6. Ankur Mahajan
S/O Sh. Jatinder Gupta
R/O House No. 3,
Extension, Karan Nagar, Jammu

7. M/S BHS Reality Private Limited C/O
Platinum Tower,
Bari Brahmana, Samba
Through its Director

.....Respondent(s)

Through :-

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE**

ORDER
27.03.2025

1. The present writ petition has been filed by the petitioner-The Jammu and Kashmir Bank Limited, under Article 226 of the Constitution of India, seeking a direction from this Court to command the respondent No. 4- The Tehsildar, Bari Brahmana, District Samba, UT of J&K, to implement the Order No. DCS/SM/2024-25/144-47 dated 24.06.2024 passed by respondent No. 2- District Magistrate, Samba, through respondent No. 3-The Additional District Magistrate, Samba, under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002, whereby direction was given to the respondent No. 4 to take over possession of the secured assets comprising land measuring 12 kanals underlying khasra No.826 and 826 min situated at Birpur, District Samba standing in the name of respondent Nos. 5 and 6, respectively.
2. It has been alleged in the petition that despite the order having been passed by the District Magistrate on 24.06.2024, the follow up for taking over the possession of the land which is a secured assets has

not been carried out by respondent No.4-Tehsildar, Bari Brahmana, District Samba and hence, this petition.

3. Learned senior counsel for the petitioner submits that since the petitioner seeks an innocuous direction from this Court to direct the respondent No.4 to implement the Order dated 24.06.2024 passed by Additional District Magistrate, Samba, which he is obliged to pass in terms of the statute, therefore, he would be satisfied in case the petition is ***disposed of***, at this motion stage by directing the respondent No.4 to implement the aforesaid order.
4. Accordingly, at the request of learned senior counsel for the petitioner, we deem it appropriate to ***dispose of*** this writ petition by directing the respondent No.4-The Tehsildar, Bari Brahmana, District Samba, UT of J&K, to implement, the Order No. DCS/SM/2024-25/144-47 dated 24.06.2024 passed by respondent No. 2- District Magistrate, Samba, through respondent No. 3-The Additional District Magistrate, Samba, strictly under rules within a period of two weeks from the date a copy of this order is served upon him, provided that the same has already not been implemented.
5. This writ petition, is accordingly, **disposed of**, alongwith connected application(s).

(M A CHOWDHARY)
JUDGE

(TASHI RABSTAN)
CHIEF JUSTICE