

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.15812 of 2015

Date of decision:3.8.2015

Punjab National Bank

....Petitioner

VERSUS

District Magistrate Faridabad and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Harpreet Kaur, Advocate for the petitioner.

HEMANT GUPTA, J.(Oral)

The grievance of the petitioner is that learned District Magistrate has directed the Tehsildar to defer the further proceedings in view of an earlier order passed by it on 04.05.2015 granting interim stay on dispossession.

The grievance of the petitioner is that learned District Magistrate while exercising the jurisdiction under Section 14 of the Securitization and Reconstruction of Financial Asset and Enforcement of Security Interest Act, 2002 (for short 'the Act') has no power to adjudicate any of the questions which may arise between the borrower or the guarantor or the secured creditor. The jurisdiction of the District Magistrate is only to provide police help to the secured creditor to possess the secured assets. Therefore, an order of stay granted by the District Magistrate is contrary to law.

The fact remains that District Magistrate has not passed any final order in proceedings initiated by the Bank under Section 14 of the Act.

Therefore, we deem it appropriate to direct the District Magistrate to pass an order on application under Section 14 of the Act filed by the petitioner within one month from today in accordance with law.

In view of the above, the present writ petition is disposed of.

(HEMANT GUPTA)
JUDGE

AUGUST 3, 2015
‘D. Gulati’

(LISA GILL)
JUDGE