

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-24223-2014

Date of Decision: July 10, 2017

Arjan Singh

.....Petitioner

Versus

State Bank of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Sunil Agnihotri, Advocate
for the petitioner.

Mr.Anil K.Ahuja, Advocate
for respondent Nos.1 to 3.
Ms.Satpreet Kaur Grewal, Advocate for
Mr.Rajeev K.Kapila, Advocate
for respondent No.4.

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SURYA KANT, J.

Respondent No.4-the borrower having defaulted in payment of the loan advanced by respondent No.1, his mortgaged property consisting of factory premises alongwith agricultural land, fully described in the sale deed dated 10.04.2003, was put to auction and the petitioner being the highest bidder, purchased the same. However, due to typographical mistake (wrong description of the land in the sale certificate), the petitioner could not take physical possession of the property sold to him in the auction.

[2] Learned counsel for the Bank has produced the original sale-deed, as was directed by this Court on 18.05.2017. He further submits that a

revised sale certificate has been issued with correct Khasra numbers as are mentioned in the sale-deed mortgaged with the bank. The same has been handed over to learned counsel for the petitioner.

[3] Learned counsel for the petitioner-auction purchaser has no objection if the physical possession is delivered to him as per the revised sale certificate.

[4] In this view of the matter, respondent No.1-Bank is directed to approach the District Administration for providing assistance in accordance with law for the delivery of physical possession of such mortgaged property which was auctioned to the petitioner. The District Magistrate, Hoshiarpur, as well as the Sub Divisional Magistrate, Mukerian, are directed to provide necessary assistance in accordance with law.

[5] The needful shall be done within a period of one month from the date of receipt of a certified copy of this order. The original sale-deed is returned to the learned counsel for the petitioner.

[6] However, in case the authorities fail to deliver the physical possession of the property, the petitioner shall be at liberty to seek revival of this petition.

[7] Disposed of.

**(SURYA KANT)
JUDGE**

July 10, 2017

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**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No