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

205

Civil Writ Petition No.24138 of 2016

Date of Decision: March 15, 2017

Punjab National Bank

....Petitioner

versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: Mr. R.S. Bhatia, Advocate for the petitioner.

Mr. Rajinder Goyal, Addl. A.G., Punjab.

Mr. Ashish Aggarwal, Sr. Advocate with
Mr. Kulwant Singh, Advocate
for respondent No.4.

AJAY KUMAR MITTAL, J. (Oral)

The petitioner-Bank has approached this Court by way of instant writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent No.2 to act in pursuance to the order dated 07.05.2015 (**Annexure P-3**) passed by respondent No.3 on an application filed by the Bank under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Further prayer has been made to get the delivery of the possession of the secured assests to the Bank.

2. On February 20, 2017, the Tehsildar (East), Ludhiana was directed to take the physical possession of the mortgaged property and keep the same with him/her. However, it was further clarified that in case, respondent No.4 has any grievance, it shall be open to it to approach this Court by way of filing an application in the present writ petition. The order passed on February 20, 2017 reads thus:-

“The petitioner-Bank has approached this Court under Articles 226/227 of the Constitution of India, for enforcement of the order dated 07th May, 2015 (Annexure P-3), passed by respondent No.3, on an application filed by the petitioner-Bank under Section 14 of The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'the Act'), to secure the physical delivery of the possession of the secured goods to the petitioner-Bank.

Respondent No.3 vide order dated 07th May, 2015 (Annexure P-3), had disposed of the application filed under Section 14 of the Act and provided police assistance for securing the physical possession of the property from respondent No.4.

The petitioner-Bank having approached this Court, notice of motion was issued. It has been repeatedly reported by the process serving agency that notice issued to respondent No.4 has been received back unserved, as the premises have been found to be locked and no one was available for receiving the summons.

In such a situation, we deem it appropriate to direct the Tehsildar (East), Ludhiana to take the physical possession of the mortgaged property before the next date of hearing and keep the same with him/her.

It is further clarified that in case respondent No.4 has any grievance, it shall be at liberty to approach this Court for filing an application in the present writ petition.

Adjourned to 08.03.2017.

Learned State counsel to report compliance of this order on or before the next date of hearing.”

3. In compliance to the aforesaid order, it was intimated by learned counsel for respondents No.1 to 3-State on March 08, 2017 that the possession had been taken from respondent No.4 and status report by way of an affidavit dated 07.03.2017 of Sh. Mandeep Singh Dhillon, Tehsildar Ludhiana (East) had also been filed and the case was adjourned for today.

4. No application on behalf of respondent No.4 raising the grievance has been filed till date in terms of order dated February 20, 2017.

5. Accordingly, in view of the above, the present writ petition is disposed of by observing that the petitioner-Bank may approach the Tehsildar (East), Ludhiana whereupon the possession which had already been taken by him, shall be delivered to the Bank within seven days from the date of the Bank approaching him/her in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

March 15, 2017
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Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No