

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

CWP No.10153 of 2018
Date of Decision: 26.04.2018

ICICI Home Finance Ltd.

...Petitioner

VS.

Naib Tehsildar, Mandi Gobindgarh & Ors.

... Respondents

Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Shekher Dhawan

Present: Mr. Sandeep Suri, Advocate for the petitioner

SURYA KANT J. (Oral)

(1) The ICICI Home Finance Ltd. has filed the instant writ petition seeking a direction to the Naib Tehsildar to implement the order dated 12.06.2017 (P1) of District Magistrate, Fatehgarh Sahib passed in exercise of powers under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. It is averred that there are two mortgaged properties of the borrower against whom measures under SARFAESI Act have been taken. It is further averred that there is no legal impediment for handing over physical possession of one of the mortgaged property though there is a civil suit for injunction pending in respect of the other. However, the Naib Tehsildar is statedly not taking any action for taking over possession of both the parties.

(2) Having heard learned counsel for the petitioner and without expressing any views on merits, we deem it appropriate to dispose of the writ petition with a direction to the District Magistrate, Fatehgarh Sahib and Naib Tehsildar, Mandi Gobindgarh to look into the petitioner's grievance keeping in view the statutory time limit prescribed in Section 14 of the 2002 Act. Suffice it to say that if there is no legal impediment, let necessary

action be taken in accordance with law within one month from the date of receipt of certified copy of this order. As regard to the second property against which civil suit is pending, the petitioner shall be at liberty to seek its impleadment in the pending suit and apply for vacation of stay. If any such applications are filed, learned Civil Court is directed to decide the same expeditiously and within two months.

(3) Ordered accordingly.

(Surya Kant)
Judge

26.04.2018
vishal shonkar

(Shekher Dhawan)
Judge

1. Whether speaking/reasoned?	Yes
2. Whether reportable?	No