

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13620-2018

Date of Decision: May 28, 2018

Sajjan Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE ANIL KSHETARPAL**

- | | | |
|----|---|---------|
| 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 |

.....

Present: Mr.R.K.Arora, Advocate for the petitioner.

.....

SURYA KANT, J.

Notice of motion.

[2] On our asking, Ms.Palika Monga, DAG, Haryana, who is present in Court, accepts notice on behalf of respondent Nos.1 to 5 and Mr.Gaurav Goel, Advocate accepts notice on behalf of respondent No.6. Let requisite copies of the petition be handed over to them during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

[3] The petitioner is a borrower who could not pay the loan amount due to which his account was classified as 'NPA' and measures under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, 'the SARFAESI Act') have been initiated. Pursuant to an order passed by the District Magistrate, Sirsa under

Section 14 of the SARFAESI Act, physical possession of the residential house of the petitioner situated at Street No.1, Ward No.16, Bathinda Road, Dabwali, District Sirsa has also been taken over by the Bank. Grievance of the petitioner is that there are house-hold articles lying inside the house, as per inventory prepared by the Bank, which are not hypothecated but those articles have not been returned despite repeated requests made by him.

[4] It appears to us that all those items which are not hypothecated with the Bank are required to be returned without any further delay. The writ petition is, accordingly, disposed of with a direction to the authorised Officer of the Bank, namely, respondent No.6 as well as Tehsildar, Mandi Dabwali to intervene and ensure that all such items, which are not hypothecated with the Bank be returned to the petitioner within two weeks from the date of receipt of a certified copy of this order.

**(SURYA KANT)
JUDGE**

May 28, 2018
meenuss

**(ANIL KSHETARPAL)
JUDGE**

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