

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

**CWP No. 15793 of 2018
Decided on : 27.09.2018**

Allahabad Bank

... Petitioner(s)

Versus

District Magistrate, Amritsar and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AVNEESH JHINGAN**

PRESENT: Ms. Harpreet Kaur, Advocate
for the petitioner(s).

Mr. Naveen Batra, Advocate
for respondents No.4 to 8.

AJAY KUMAR MITTAL, J. (Oral)

The petitioner-Bank has approached this Court under Articles 226/227 of the Constitution of India, seeking a writ of *Mandamus*, for direction to respondent No.3 – Tehsildar-II, Amritsar to execute the orders dated 30.01.2018 (Annexure P-2), passed by the District Magistrate – respondent No.1 under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (in short 'the SARFAESI Act, 2002')

2. Upon notice of motion having been issued on 16th August, 2018 and in compliance to the order dated September 06, 2018, respondents No.4 to 7 are present in-person in Court today, who are identified by Mr. Naveen Batra, Advocate, who is representing them.

3. Learned counsel for the private respondents on instructions from respondents No.4 to 7 submitted that the vacant physical possession of the factory, which is one of the mortgaged property shall be delivered on 28th September, 2018 and they shall deliver the vacant physical possession of the house, which is also the mortgaged property with the petitioner-Bank, on or before 30th November,

4. In view of the above, the writ petition stands disposed of as infructuous. However, it is clarified that in the event of respondents No.4 to 7 not delivering the physical possession of the factory on 28th September, 2018 and the residential house on or before 30th November, 2018, respondents No.2 and 3 shall provide police assistance for taking the physical possession in terms of order dated 30th January, 2018 (Annexure P-2), passed by the District Magistrate, Amritsar, in the proceedings under Section 14 of the SARFAESI Act, 2002.

(AJAY KUMAR MITTAL)
JUDGE

(AVNEESH JHINGAN)
JUDGE

September 27, 2018

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*