

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.9286 of 2018.

Date of Decision: April 19, 2018

Canara Bank

.....Petitioner

versus

District Magistrate-cum-Deputy Commissioner, Patiala and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Sanjay Malik, Advocate, for the petitioner.

Mr.Rajesh Bhardwaj, Senior DAG, Punjab.

-. -

Surya Kant, J. (Oral)

Notice of motion to respondent No.1 only at this stage.

On our asking, Mr.Rajesh Bhardwaj, learned Senior Deputy Advocate General, Punjab, accepts notice on his behalf.

Let a copy of the writ petition be handed-over to him 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.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from respondent No.1 or to serve respondent Nos.2 & 3 at this stage as no order prejudicial to their interest is being passed on merits.

The case of the petitioner-bank is that respondent Nos.2 & 3-borrowers had availed loan facilities but due to non-payment thereof, their account was declared as NPA and measures under Sections 13 & 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 were taken. The District Magistrate, Patiala

passed an order dated 21.10.2016 (P-2) in purported exercise of powers under Section 14 of 2002 Act and issued directions to the Naib Tehsildar as well as police authorities to provide assistance to the petitioner-bank for taking physical possession of the secured assets. The grievance of the petitioner-bank in the instant writ petition is that more than one year has passed but the Naib Tehsildar or local police are not providing adequate assistance, due to which the petitioner-bank is unable to take physical possession of the mortgaged property.

Having heard learned counsel for the petitioner and the State counsel but without expressing any views on merits, the writ petition is disposed of with a direction to the District Magistrate, SSP and Tehsildar, Patiala to consider the above-stated grievance of the petitioner-bank and take action strictly in accordance with law within a period of one month from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

April 19, 2018
mohinder

[SHEKHER DHAWAN]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No