

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-633-2019

Date of Decision: 14.1.2019

Allahabad Bank

...Petitioner

Versus

District Magistrate, Faridabad and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.**

PRESENT: Mr. IP Singh, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ of mandamus directing respondent No.1 to decide its application dated 4.6.2018 (Annexure P-1) filed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (In short "SARFAESI Act") and to take over the physical possession of the mortgaged properties.

2. The loan account of respondent No.2 was declared as NPA as it had failed to repay the loan amount taken from the petitioner. The petitioner issued a notice dated 3.3.2018 under Section 13(2) of the SARFAESI Act raising a demand of ₹ 2,12,40,564/- as on 3.3.2018. The petitioner took the symbolic possession of the secured assets on 19.5.2018.

Thereafter, the petitioner filed an application along with affidavit dated

SARFAESI Act before respondent No.1 for taking physical possession of the mortgaged properties of respondents No.2 to 4, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved an application along with affidavit dated 4.6.2018 (Annexures P-1 and P-2, respectively) under Section 14 of the SARFAESI Act before respondent No.1, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.1 to take a decision on the application dated 4.6.2018 (Annexure P-1), moved by the petitioner, in accordance with law by passing a speaking order and after affording an opportunity of hearing to the concerned parties within a period of one month from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

January 14, 2019
gbs

(MANJARI NEHRU KAUL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No