

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-1520-2019

Date of Decision: 22.1.2019

Union Bank of India

...Petitioner

Versus

District Magistrate, SAS Nagar, Mohali

...Respondent

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

PRESENT: Mr. Shailender Kashyap, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ of mandamus directing the respondent to decide the application dated 4.10.2018 (Annexure P-4) moved by the petitioner under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short “the SARFAESI Act”).

2. The petitioner sanctioned the credit facilities in favour of M/s Madison Medicare Private Limited, Mrs. Sabiha Abdulla Khan, Mr. Abdulla Mohammed Khan, Mr. Adill Lateef Khan and Mrs. Nasib Kaur. The defaulted in repayment of the loan. Therefore, their loan account was declared as Non-Performing Account (NPA) on 30.4.2018. A notice dated 1.6.2018 (Annexure P-2) under Section 13(2) of the SARFAESI Act was issued to the said borrowers raising a demand of ₹ 36,27,215.26 along with

the petitioner issued notice dated 28.8.2018 and vide possession notice dated 7.9.2018 (Annexure P-3 Colly), took possession of the mortgaged property. Thereafter, the petitioner filed an application dated 4.10.2018 (Annexure P-4) under Section 14 of the SARFAESI Act before the respondent for taking physical possession of the mortgaged property. The respondent issued notice dated 18.10.2018 (Annexure P-5) to the borrowers. However, 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 dated 4.10.2018 (Annexure P-4) under Section 14 of the SARFAESI Act before the respondent, 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 the respondent to take a decision on the application dated 4.10.2018 (Annexure P-4), 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 the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

January 22, 2019
gbs

(MANJARI NEHRU KAUL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No