

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-3623-2019

Date of Decision: 8.2.2019

M/s IDFC First Bank Limited

...Petitioner

Versus

District Magistrate, Chandigarh and others

...Respondents

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

PRESENT: Mr. Rohit Suri, Advocate for
Mr. Sandeep Suri, 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 26.8.2018 (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 property.

2. The petitioner is engaged in the business of financing and on the request of respondents No. 2, 3 and Gurbans Gosal, had granted them the finance facilities against the property mortgaged in its favour. They failed to repay the loan amount taken from the petitioner. The petitioner issued a notice dated 15.1.2018 under Section 13(2) of the SARFAESI Act for the payment of the outstanding amount, but to no effect. Accordingly, ,

Section 14 of the SARFAESI Act before respondent No.1 for taking physical possession of the mortgaged property of respondents No.2, 3 and Gurbans Gosal, 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 dated 26.8.2018 (Annexure P-1) 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 26.8.2018 (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

February 8, 2019
gbs

(MANJARI NEHRU KAUL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No