

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

213-A

**CWP No.4223 of 2019
Date of Decision : 23.09.2019**

PNB Housing Finance Ltd.

.....Petitioner

Versus

District Magistrate Panipat and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. Harsh Chopra, Advocate
for the petitioner.

Mr. P.P. Chahar, D.A.G., Haryana.

Mr. Ashwani Talwar, Advocate
for respondents No.3 to 7.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner, a financial institution, has prayed for the issuance of a writ in the nature of mandamus to direct respondents No.1 and 2 to take actual physical possession of the secured asset/mortgaged property after the order has been passed by respondent No.1 under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 on 24.05.2018 and on 10.12.2018.

Respondents No.1 and 2 had expressed their helplessness in taking physical possession in view of stay operating in two civil suits filed at the instance of the alleged tenants (respondents No.6 and 7) against the borrower.

Counsel for the petitioner has produced orders passed in Civil Suit No.274 of 2018 titled Jitender Kumar Vs. Kanwaljeet Kaur

and others and Civil Suit No.257 of 2018 titled Arjinder Kaur Vs. Kanwaljeet Kaur and others, both decided on 14.08.2019, by which both the civil suits have been dismissed for want of jurisdiction. Thus, there is no impediment in the way of respondents No.1 and 2 to take physical possession of the secured asset/mortgaged property.

Accordingly, the present petition is hereby disposed of with a direction to respondents No.1 and 2 to take actual physical possession of the mortgaged property as early as possible but preferably within a period of 15 days from the date of receipt of certified copy of this order and handover the same to the petitioner.

(RAKESH KUMAR JAIN)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

23.09.2019
Kothiyal

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No