

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 8246 of 2019

Date of Decision: May 27, 2019

Punjab National Bank

.....Petitioner

versus

State of U.T. Chandigarh and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY.
HON'BLE MR. JUSTICE SUDHIR MITTAL.**

Present: Mr. C.S. Pasricha, Advocate
for the petitioner

Mr. Anil Mehta, Additional Govt. Pleader with
Ms. Bahaar Ghuman, Advocate
for respondents No. 1 to 3

Mr. B.S. Sudan, Advocate
for respondent No. 6

DAYA CHAUDHARY, J. (ORAL)

The prayer in the present petition is for issuance of writ in the nature of mandamus directing respondents No. 1 to 3 for taking physical possession of the mortgaged assets under Section 14 of the SARFAESI Act, 2002 and handing over the same to the secured creditor for onward transmission to the auction purchaser (respondent No. 6).

Reply by way of affidavit on behalf of the respondent – U.T. Chandigarh has been filed in the Court today and the same is taken on record. The relevant portion of the affidavit is reproduced as under:-

“1. That under the SARFAESI Act, 2002, the competent authority for taking physical possession of any premises is the District Magistrate who then appoints Duty Magistrate. The said Duty Magistrate, under the authority of order of District Magistrate can get physical possession of any premises.

2. *That the deponent undertakes to provide necessary police assistance to the Duty Magistrate, having the authority of order of the District Magistrate, for the propose of getting physical possession of the concerned premises on any date fixed for the said purposes by the District Magistrate or by Hon'ble High Court."*

In view of the affidavit filed on behalf of respondent – U.T. Chandigarh, the present petition is disposed of accordingly. Necessary action be taken within a period of two weeks from the date of receipt of certified copy of this order.

(DAYA CHAUDHARY)
JUDGE

(SUDHIR MITTAL)
JUDGE

May 27, 2019

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No