

Punjab National Bank

... Petitioner

Vs.

State of Haryana & Ors.

...Respondent

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MRS. JUSTICE ALKA SARIN

Present:- Mr. Gaurav Geol, Advocate, for the petitioner.

Ms. Kirti Singh, DAG, Haryana.

Mr. S.K.Garg Narwana, Sr. Advocate, with
 Mr. S.K. Aggarwal, Mr. S.K. Jain and
 Mr. Virat Amarnath, Advocates for respondent Nos. 5 to 9.

Mr. Priyavrat Parashar, Advocate, for respondent No.10.

RAKESH KUMAR JAIN, J.

The petitioner has prayed for the issuance of writ in the nature of certiorari for quashing the order dated 24.12.2018 (Annexure P-3) passed by the District Magistrate, Kaithal, in which he had allegedly omitted the word '*Commercial*' while granting sanction to take possession of mortgage property and also to issue a writ in the nature of mandamus directing the respondents to take actual physical possession of the mortgage property mentioned at Sr. No.2 in the notice issued under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'SARFAESI Act').

After the notice, respondents have put in appearance. Counsel appearing for respondents No. 5 to 10 have stated that respondents have no objection if the possession of the property mentioned at Sr. No.2 in the notice issued under Section 13(2) of the SARFAESI Act is taken.

After hearing learned counsel for the parties and going through the

facts of the case, We disposed of the present petition with a direction that the

property mentioned herein-below:-

“ *Land and building constructed thereon bearing registration number 1775/1 dated 24.06.1969 measuring 472 sq. yards and commercial-cum-residential building (having covered area of 3248 sq. ft. on ground floor, 2868 sq. ft. on first floor and 1350 sq. ft. on second floor) situated at Ambala-Hisar road Kaithal, (Haryana)*”

is taken over by the petitioner with the assistance of respondents No. 1 to 4.

Respondents No. 2 to 4 are, thus, direction to assist the petitioner to take actual physical possession of the afore-said property in which the private-respondents are also directed to co-operate. This exercise shall be carried out by respondents No. 2 to 4 and respondents No. 5 to 10 within a period of one week after the receiving of copy of this order.

Disposed of.

(RAKESH KUMAR JAIN)
JUDGE

December 12, 2019
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(ALKA SARIN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No