

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-10606-2019

Date of Decision: 17.5.2019

Syndicate Bank

...Petitioner

Versus

District Magistrate and others

...Respondents

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

PRESENT: Ms. Harpreet Kaur, Advocate for
Mr. K.K. Goel, 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 respondent No.1 to decide the application dated 7.1.2019 (Annexure P-1) 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. Respondent No.2 took a loan of ₹ 96 crores from the petitioner against collateral equitable mortgaged of the properties as mentioned in para 2 of the writ petition. Respondents No.2 to 5 had defaulted in repayment of the loan amount and, therefore, their account was declared as Non-Performing Asset (NPA) on 29.6.2016. The notice dated 31.3.2018 under Section 13(2) of the SARFAESI Act was issued to respondents No.2 to 5 raising a demand of ₹ 104,36,83,439/-. The publication was published in the newspaper on 2.7.2018. When respondents No.2 to 5 failed to discharge

taken by the petitioner by issuing notice under Section 13(4) of the SARFAESI Act. Thereafter, the petitioner filed an application dated 7.1.2019 (Annexure P-1) under Section 14 of the SARFAESI Act before respondent No.1 for taking physical possession of the mortgaged property, but no response has been received till date. The petitioner also served a legal notice dated 4.3.2019 (Annexure P-2) upon respondent No.1 for disposal of the application dated 7.1.2019 (Annexure P-1), but to no effect. 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 7.1.2019 (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 7.1.2019 (Annexure P-1), 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

May 17, 2019
gbs

(MANJARI NEHRU KAUL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No