IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.37660 of 2019
Date of Decision: December 26, 2019

Mohan Lal Sharma

...Petitioner

Versus

State Bank of India & others

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ
HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Munish Bhardwaj, Advocate,
for the petitioner.

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MANOJ BAJAJ, J. (Oral)

Through the present petition, petitioner has challenged the communication dated 04.12.2019 (Annexure P-4), addressed by the Tehsildar Kapurthala-respondent No.4 to the Station House Officer, Police Station City, Kapurthala, whereby request for providing police help has been made for taking possession of the mortgaged property, i.e., House No.459, Sidhu Corner Jalandhar Road, Kapurthala.

It is the case of the petitioner that in June 2010, a loan facility of ₹ 42,00,000/- was obtained by him and his sons from State Bank of India and the same was to be paid back within a period of 20 years by way of monthly instalments of ₹ 40,535/-. It is pleaded that on account of various reasons, including illness of his wife, losses in business etc., the borrower(s) could not strictly follow the time schedule of repayment and the loan account was declared as Non Performing Assets in September, 2015. Resultantly, creditor-bank initiated the proceedings under Section 13 of The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, SARFAESI Act). Later on, the

District Magistrate, Kapurthala facilitated the Bank to take possession of the mortgaged property and passed the order on 15.01.2016 under Section 14 of the SARFAESI Act.

Learned counsel for the petitioner has argued in support of grounds raised in the petition and prays for intervention of this Court for challenging the order dated 04.12.2019.

During the course of hearing, it is not disputed by the learned counsel for the petitioner that the order dated 15.01.2016 passed by the District Magistrate (respondent No.3) under Section 14 of the SARFAESI Act was never challenged. He states that still a sum of ₹15,00,000/- is due to be paid by the borrower(s) to the creditor bank.

After hearing the learned counsel for the parties, we find that the impugned order is only a request made pursuant to the order dated 15.01.2016 and, therefore, is not an order under Section 14 of SARFAESI Act. This communication is sent to the concerned police station for providing police help to implement the order dated 15.01.2016. The said order is neither on record nor any challenge has been made to it and, therefore, we do not find any reason to interfere as the petition lacks necessary and relevant particulars.

Resultantly, the writ petition stands dismissed.

(MANOJ BAJAJ)
JUDGE

(ALKA SARIN)
JUDGE

December 26, 2019
ramesh

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