

(PROCEEDINGS THROUGH VC)

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.19569 of 2020

Date of decision: November 18, 2020

Punjab and Sind Bank

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Ms. Adarsh Pal Kaur, Advocate for
Mr. Manjit Singh Rana, Advocate for the petitioner.

Mr. Vikas Mohan Gupta, Addl. Advocate General, Punjab.

Augustine George Masih, J. (oral)

Petitioner has approached this court for issuance of a writ of mandamus directing official respondents No.2 to 4 to take physical possession of the mortgaged property and hand over the same to the petitioner bank in compliance of the order dated 05.04.2019 (Annexure P-3) passed by the District Magistrate, Bathinda (respondent No.2) under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

Counsel for the petitioner asserts that despite the said order having been passed, the possession of the property has not been handed over to the petitioner.

Learned counsel for the State submits that the details of the

properties, as given in para 2 of the petition, indicates that there are four properties in all, out of which property No.iii i.e. Single storey hall building in the name of respondent No.7 Major Singh son of Hajura Singh, measuring 160 sq. yards, situated near Phul Road Mehraj Basti Rampura Phul, purchased vide sale deed No.3003 dated 30.10.1987, was handed over to the petitioner. It is subsequent thereto that some illegal constructions and encroachment on part of the said property is alleged to have taken place, for which the official respondents cannot be held liable and they are not required to restore the property and hand over its possession.

This contention of the counsel for the State appears to be justified. However, with regard to the properties No.(i) and (ii), of which the petitioners are seeking possession, the needful be done by the official respondents within a period of four weeks.

The writ petition stands disposed of with the above direction.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

November 18, 2020

'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No