

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-26180-2019

Date of Decision:04.11.2020

Allababad Bank

... Petitioner

Vs.

District Magistrate, Ferozepur and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present : Mr. K.K. Goel, Advocate
for the petitioner.

AJAY TEWARI, J. (Oral)

This petition has been filed against order of the District Magistrate-respondent No.1 dated 16.10.2018 (Annexure P-3) whereby he has declined to grant physical possession of the property to the petitioner-Bank on account of some stay order which has been passed. It has been brought to our notice that these stay orders were passed in some civil suits which have been filed by respondents No.8 and 9 against respondent No.5 who is the main borrower and bank was not impleaded as a party.

Notice of motion was issued.

Today, Mr. Pankaj Jain, Addl. Advocate General, Punjab, has very fairly states that once the bank was not a party, the stay order could not operate upon it. The order passed by the District Magistrate-respondent No.1 is clearly erroneous.

In view of the fair submission of the learned State counsel, the present petition is allowed and the impugned order dated 16.10.2018

(Annexure P-3) is set aside and respondent No.1 is directed to pass a fresh order within a period of 15 days from the date of receipt of a certified copy of this order and in case it is found that the application has to be allowed then the order be implemented within a period of four weeks thereafter.

**(AJAY TEWARI)
JUDGE**

**(RAJESH BHARDWAJ)
JUDGE**

04.11.2020

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No