

221 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 1841 of 2021 (O&M)
Date of Decision: 25.02.2021

Canara Bank

....Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. Pancham Sharma, Advocate
for the petitioner.

Mr. Navdeep Chhaba, DAG, Punjab.

Mr. Aayush Gupta, Advocate
for respondent No. 5.

Mr. Amit Sharma, Law Officer.

SANT PARKASH, J. (ORAL)

*[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court]*

The instant writ petition has been filed under Article 226/227 of the Constitution of India seeking issuance of a writ in the nature of mandamus directing the respondent No. 1 to 4 to give assistance to the Authorized Officer for taking the physical possession of the secured assets as per the provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the SARFAESI Act) and issuance of a writ in the nature of mandamus directing respondent No. 1 to take appropriate action against the officials who failed to perform their duty to provide assistance to the Authorized Officer.

The petitioner bank sanctioned Working Capital Loan for a sum of Rs. 80 Lakh and Machinery Loan (Term Loan) for a sum of Rs. 15 Lakh

to the respondents No. 5 to 10. Respondents No. 6 to 10 stood as mortgagor against the said loans. The account of the respondents No. 5 to 10 was declared NPA on 31.01.2016 as the borrower failed to maintain the financial discipline. On 01.07.2017, the petitioner bank issued demand notice under Section 13(2) of the SARFAESI Act. The Authorized Officer moved an application dated 19.03.2018 (Annexure P-2) under Section 14 of the SARFAESI Act seeking permission for taking physical possession of mortgaged property, which was allowed by respondent No. 2 vide order dated 16.10.2018. Even after a lapse of 33 months and despite repeated requests of the Authorized Officer, the possession of the property has not been handed over to the petitioner bank and the respondent department is unnecessary delaying the matter on one pretext or the other.

Today, at the very outset, learned counsel for the petitioner bank submits that the present writ petition has been rendered infructuous as the physical possession of the house property i.e. H.No. 60, Panchsheet Avenue Vihar, Ludhaina has been taken on 12.02.2021 and the other property already stands released in the year 2018.

Since the grievance of the petitioner bank has been redressed, the present writ petition stands dismissed as having been rendered infructuous.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

25.02.2021
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No