

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

**Civil Writ Petition No. 16809 of 2021 (O&M)
Date of Decision: 16.09.2021**

Magma Housing Finance Limited (now known as
POONAWALLA FINCORP LIMITED), Mohali

..... Petitioner

Versus

District Magistrate, Bhiwani and others

..... Respondents

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

Present: Er. Sandeep Suri, Advocate
for the petitioner.

Mr. Vivek Saini, Additional Advocate General, Haryana.

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

JASWANT SINGH, J. (ORAL)

The secured creditor is before this Court seeking a direction to the Tehsildar, Siwani, District Bhiwani (respondent No. 2), to implement the order dated 04.02.2020 (**Annexure P-3**) passed by the District Magistrate, Bhiwani (respondent No. 1), under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, directing providing of official assistance for taking and handing over the physical possession of the secured asset, i.e. the mortgaged residential house to the officers of the Bank.

At the time of hearing, counsel for the parties very fairly agree that the order cannot be implemented in view of a general protection granted by a Division Bench of this Court in **CWP-PIL No. 77 of 2021**, titled “**Court on its own Motion Versus Union of India and others**”. They also

agreed that once the operation of the said directions are over, thereafter

action in accordance with law as laid down in case titled “*Allahabad Bank, Branch at Industrial Area A, Link Road, Ludhiana through its Chief Manager/ Authorised Officer Sh. Nishant Shukla Versus District Magistrate, Ludhiana and others*”, passed in **CM No. 3178-CWP of 2021** in **CWP No. 4916 of 2020** by a Division Bench of this Court on 06.09.2021, shall be duly undertaken.

In view of the above, the present petition is hereby **disposed of as infructuous.**

(JASWANT SINGH)
JUDGE

September 16, 2021
'dk kamra'

(SANT PARKASH)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>