

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

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CWP-25285 of 2021 (O&M)

Date of decision: 03.03.2022

Asset Reconstruction Company (India) Ltd.

...Petitioner

Versus

District Magistrate, Patiala and others

...Respondents

**CORAM: HON'BLE MR.JUSTICE M.S. RAMACHANDRA RAO
HON'BLE MR.JUSTICE H.S. MADAAN**

Present: Mr. D.K. Singal, Advocate for the petitioner.

Mr. Pankaj Gupta, Addl. AG, Punjab.

M.S. RAMACHANDRA RAO, J. (Oral)

In this writ petition, the petitioner is challenging order dt. 01.03.2021 passed by respondent No.1 keeping in abeyance his own earlier order dt. 19.01.2021 passed under Section 14 of the SARFAESI Act.

Counsel for the petitioner contends that respondent No.1 has no power to review his own earlier order, and places reliance on the judgment of the Bombay High Court in **Union of India Vs. State of Maharashtra.**

This legal position is not disputed by Sh. Pankaj Gupta, Addl. Advocate General for the State of Punjab. He, however, points out that the property in question is a residential property, and in view of order passed by a Division Bench of this Court on 20.01.2022 in **CM-2-CWPIL-2022** in/and **CWP-PIL-77-2021 (O&M)**, there is a stay with

regard to taking possession or putting on sale residential assets of borrowers, which is still subsisting. He also states that as per the decision of Division Bench of this Court in Allahabad Bank, Ludhiana through its Chief Manager/Authorized Officer Vs. District Magistrate, Ludhiana and others in CM-3178-CWP-2021 in CWP-4916-2020, persons in possession will have to be put on notice by giving them 14 days notice of the proposed eviction.

Having regard to the said submissions, the writ petition is allowed; order dt. 01.03.2021 passed by respondent No.1 is set aside; respondents No.1 and 2 are directed to issue 14 days notice to the persons in occupation of the subject property, and then take further action to hand over the possession of the subject property to the petitioner. The said possession shall be delivered within one month after the order in CM-2-CWPIL-2022 in/and CWP-PIL-77-2021 (O&M) ceases to be in operation.

(M.S. RAMACHANDRA RAO)
JUDGE

(H.S. MADAAN)
JUDGE

03.03.2022

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