

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

**CWP-32038-2019 (O & M)
Date of decision: 31.03.2022**

Axis Bank Ltd.

..... Petitioner

V/s

State of Haryana and ors.

...Respondents

**CORAM: HON'BLE MR. JUSTICE M.S. RAMACHANDRA RAO
HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

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

Mr. S.S. Pannu, DAG, Haryana.

Mr. Gaurav Goel, Advocate, for respondent No.3-Bank.

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

The grievance of the petitioner-Bank, in this case, is that the order dated 21.06.2018 (Annexure P-3) was passed by respondent No.2 for taking over the possession of the secured assets and handing over the same to the petitioner but respondents No.3 and 4 are not complying with the said order.

Learned State counsel for respondents No.1 to 4 have filed a reply stating that there is a change of Tehsildar, Ellenabad and one Madan Lal, Tehsildar, who was appointed as a Duty Magistrate, wanted to invite the objections through advertisement in two national newspapers within 15 days before taking possession. It is further stated that the said Madan Lal, had

issued notice on 13.12.2019 but the petitioner-Bank had not complied with the same.

The requirement of publication of any advertisement inviting the objections through two national newspapers is not contemplated under the provisions of SARFAESI Act, 2002 as a pre-condition for executing the order passed under Section 14 of the Act by District Magistrate. Therefore the reasons assigned for delay in complying with the order dated 21.06.2018 (Annexure P-3) by respondents No.3 and 4 cannot be countenanced.

Accordingly, the writ petition is allowed and respondents No.1 to 4 are directed to ensure the compliance of order dated 21.06.2018 (Annexure P-3) passed by respondent No.2 within two weeks from the date of receipt of copy of this order and hand over the physical possession of the secured assets to the petitioner-Bank.

(M.S. RAMACHANDRA RAO)
JUDGE

(JASJIT SINGH BEDI)
JUDGE

March 31, 2022
sukhpreet

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