

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

119

2023:PHHC:070965-DB
CWP-5095-2023 (O & M)
Date of Decision: 16.05.2023

Bank of India

.....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Rajiv Joshi, Advocate,
for the petitioner.

Mr. Navneet Singh, Sr. DAG, Punjab.

G.S.SANDHAWALIA, J. (Oral)

CM-8424-CWP-2023

Application for placing on record affidavit in compliance with the order dated 18.04.2023 alongwith table as Annexure P-12 is allowed, subject to all just exceptions.

The same are taken on record.

CM stands disposed of.

CWP-5095-2023

1. Counsel for the petitioner submits that the execution and implementation of the order dated 03.03.2021 passed by respondent No.2-the District Magistrate, Muktsar Sahib, Punjab (Annexure P-8) under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'the Act') is sought for taking the peaceful possession of the secured assets (mortgaged properties) against Loan Account Nos.633030110000099 (Cash Credit and Book Debt),

633070210000002 (Term Loan-I), 633070210000003 (Term Loan-2),

633070210000008 (WCTL) and 633065610000001 (FITL). Notice dated 09.09.2019 issued under Section 13(2) the Act' (Annexure P-2) would go on to show that the outstandings were Rs.24,81,40,691 + interest w.e.f. 06.09.2019. The mortgaged properties are shown in Section 13(2) notice. Under Section 13(4) notice dated 09.09.2019 (Annexure P-3), the symbolic possession was taken of the properties mentioned in the said notice and resultantly, the District Magistrate has passed order dated 03.03.2021 under Section 14 of the Act (Annexure P-8) giving the details of the properties for which possession was to be taken, which is sought to be implemented.

2. Keeping in view the fact that the private respondents were represented before the District Magistrate, we do not propose to issue notice to them as only implementation of the order is to be done.

3. Keeping in view the above and the huge outstandings of public money, we are of the considered opinion that in the peculiar facts and circumstances, the bank would be entitled to enforce the order of the District Magistrate regarding the properties it would wish to take into possession by filing an appropriate application before the concerned Sub Divisional Magistrates for implementation of the order as it would not be practical and feasible to take all the properties into possession at one go.

4. Thus, it will be open to the bank to file the application before the concerned SDM for effective implementation of the order in stages. The said officer shall proceed in accordance with law keeping in view the law laid down by the Division Bench of this Court in ***Allahabad Bank vs. District Magistrate, Ludhiana and others, 2021 (4) RCR (Civil) 571***. The concerned SDM shall take action within 4 weeks from the date of receipt of applications

for execution.

5. The writ petition is disposed of in the above said terms.

(G.S. SANDHAWALIA)
JUDGE

16.05.2023
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(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No