

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

CWP-23408-2022

Date of Decision: May 06, 2024

PARVEEN ARORA

..... Petitioner

Versus

DISTRICT MAGISTRATE, FARIDKOT AND OTHERS Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MS. JUSTICE AMARJOT BHATTI**

Present: Mr. Aalok Jagga, Advocate for the petitioner.

Mr. R.S. Pandher, Sr. DAG, Punjab.

Mr. Rakesh Gupta, Advocate for respondent – Bank.

LISA GILL, J.

1. Prayer in this writ petition is for directing respondent No. 1 to carry out demarcation/identification of properties as possession of property of petitioner sought to be taken pursuant to order dated 11.07.2022 under Section 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short – ‘SARFAESI Act’) is not mortgaged with Bank. Further prayer is for restraining respondents from interfering in peaceful possession of property of petitioner.

2. Learned counsel for respondent – Bank while referring to written statement filed on behalf of said respondent submits that property of present petitioner has not been mortgaged with respondent – Bank qua loan account in question though he has instructions to state that property of petitioner’s husband stands mortgaged.

3. Learned counsel for respondent - Bank, on instructions from Mr. Dalip Mahajan, Chief Manager, SBI, SARB, Ludhiana submits that bank shall not take possession of property of petitioner, which has not been mortgaged with bank and it is possession of mortgaged property alone which shall be taken after proper and due identification thereof.

4. In view of the above, present writ petition, it is submitted, is rendered infructuous, which is not denied by learned counsel for petitioner as well.

5. Writ petition is, accordingly, disposed of as infructuous without any expression of opinion on the merits of matter.

(LISA GILL)
JUDGE

May 06, 2024
Rts

(AMARJOT BHATTI)
JUDGE

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