

211

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-32278-2019

Date of Decision:- 01.04.2024

DEEWAN HOUSING FINANCE CORPORATION LIMITED

....Petitioner

Vs.

DISTRICT MAGISTRATE LUDHIANA AND OTHERS

...Respondents

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

Present:- Mr. Ajit Singh, Advocate for Mr. Harsh Chopra, Advocate
for the petitioner.

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

LISA GILL, J.

1. Prayer in this writ petition is for directing respondent Nos.1 to 3 to act in accordance with order dated 29.05.2018/19.06.2018 (Annexure P-2) passed by respondent No.2 under Section 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act') and to handover physical possession of kothi/plot No.1, Preet Nagar, Amloh Road, Khanna, District Ludhiana.
2. Learned counsel for State on 25.07.2023 sought last opportunity to file necessary affidavit to explain non-implementation of order dated 29.05.2018 and 19.06.2018. As affidavit was not filed in this respect on 05.02.2024 and learned counsel for State had no instructions despite intimation to respondent Nos.1 and 3, it was directed that personal

affidavit of respondent No.1 be filed explaining default for non-compliance of the above said order as well as the reasons for instructions not being made available to learned counsel for State.

3. Affidavit dated 28.03.2024 of Ms. Sakshi Sawhney, District Magistrate, Ludhiana furnished in Court is taken on record subject to just exceptions.

4. Learned counsel for respondent – State points out that possession of the property in fact had been delivered to petitioner on 17.10.2023 itself. While on about eleven earlier occasions petitioner's official had not come present at the relevant time and on others police help could not be provided due to unavoidable reasons. The same has been acknowledged in communication dated 18.10.2023 from petitioner – Bank (Annexure R-1). In this situation it was expected that petitioner would have brought forth this fact but somehow concerned official also did not intimate counsel for the State for which a show cause notice has been issued to him. As per affidavit dated 28.03.2024 of respondent No.1, it is stated that deponent took charge as District Magistrate, Ludhiana on 30.01.2024 and in order to obviate such kind of situation arising again a legal cell has been established in the Office especially to focus on SARFAESI matters.

5. Learned counsel for petitioner verifies that possession of secured asset has been delivered to petitioner on 18.10.2023 but is unable to explain why this fact was not brought to notice of this Court on 05.02.2024. A lame explanation is put forth that no information regarding the same had been given by petitioner to counsel. Though present case is a classic example of the casual and lackadaisical approach on the part of

litigants, calling for imposition of costs on petitioner as well as on respondent for wastage of court time, we refrain from doing so in view of request made by learned counsel for petitioner and submissions of learned counsel for State that necessary steps have been taken by State to ensure proper compliance of provisions of SARFAESI Act and efficient assistance to Court. A centralized portal is stated to have been created for matters like present under SARFAESI Act and instructions dated 19.03.2024 issued by the Department of Revenue, Rehabilitation and Disaster Management, Punjab have been circulated to all District Magistrates in the State.

6. Learned counsel for petitioner seeks to withdraw this writ petition in view of it being rendered infructuous.

7. Writ petition is accordingly dismissed as withdrawn.

8. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

01.04.2024

snd

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No