

2025:PHHC:155823-DB



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

CWP-2567-2024 (O&M)
Date of decision : 11.11.2025

Aadhar Housing Finance Ltd.

.....Petitioner

Versus

District Magistrate, Gurugram and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**

Present: Mr. Himendra Pal Singh, Advocate,
for the petitioner.

Mr. Naveen S. Bhardwaj, Addl. A.G., Haryana.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The present writ petition has been filed by petitioner-financial institution aggrieved by non-execution of the order dated 17.10.2023 (Annexure P-3) passed by the District Magistrate, Gurugram, under the provisions of Section 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act for brevity).

2. It is rather surprising that the District Magistrate, Gurugram or the concerned Naib Tehsildar-respondent No.3 have failed to discharge their statutory duty of assisting and handing over physical possession of the secured asset to the petitioner (financial institution).

2.1 Non-Performing Assets (NPAs) are a huge burden on the public exchequer, banking and financial system, and, thus, prompt enforcement of recovery mechanism under the SARFAESI Act is paramount for liquidity in the system.

3. In view of the above, this court by way of writ of mandamus directs Respondent Nos 1 to 3 to execute the order dated 17.10.2023 (Annexure P-3) passed under Section 14 of SARFAESI Act by handing over physical possession of the secured asset to the petitioner (financial institution) as expeditiously as possible, preferably, within a period of 30 days. The petitioner (financial institution), thereafter, can proceed to adopt all possible legitimate means to liquidate the secured asset to recover the due amount.

4. The petition for the time being stands disposed of in the terms aforesaid. Needless to say that the guidelines laid down by Coordinate Bench in **Bank of Maharashtra Vs. District Magistrate, Hisar And Others** [CWP-7018-2022 decided on 28.05.2024] be adhered to by the concerned authorities.

5. We hasten to add that this order shall, however, be subject to any restraint/interim/final order, which may have

been passed by any judicial forum, in favour of the borrowers/
guarantor/ any aggrieved person, who is party to this lis.

6. Respondent Nos.1 to 3 are directed to file a
compliance report before the Registry of this Court within 45
days from the date of passing of this order. The Registry shall
ensure that in case, any deficiency is found in the compliance
report so filed, the matter be placed before the appropriate
Bench on the judicial side under IOIN category.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

November 11, 2025
Ajay Prasher

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