



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

CWP-7337-2024

Date of decision : 19.11.2025

Tata Capital Housing Finance Limited
Versus

.....Petitioner

District Magistrate-cum-Deputy Commissioner, Hoshiarpur and others

.....Respondents

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

Present: Ms. Palak Sharma, Advocate, for
Mr. Sandeep Chopra, Advocate,
for the petitioner.

Mr. Salil Sabhlok, Senior DAG, Punjab.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. This petition has been filed by petitioner – financial institution aggrieved by non-execution of order dated 12.07.2023 (Annexure P-3) passed by District Magistrate, Hoshiarpur (respondent No.1), u/s 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, ‘SARFAESI Act’).

2. It is rather surprising that Duty Magistrate-cum-Tehsildar, Hoshiarpur (respondent No.3) and Senior Superintendent of Police, Hoshiarpur, (respondent No.4) have failed to discharge their statutory duty of assisting and handing over physical possession of secured asset to 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 respondents No.2 to 4 to execute the order dated 12.07.2023 (Annexure P-3) passed u/s 14 of the SARFAESI Act, by handing over physical possession of secured asset to petitioner – financial institution, as expeditiously as possible, preferably within a period of thirty days. Petitioner – financial institution, thereafter, can proceed to adopt all possible legitimate means to liquidate secured asset to recover the due amount.

4. This 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 No.3 is directed to file 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 19, 2025
narotam

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