

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

2025 : PHHC : 052801-DB

**CWP No. 13929-2020 (O&M)
Date of decision : 24.04.2025**

Housing Development Finance Corporation Limited

.... Petitioner(s)

Versus

State of Haryana and others

.... Respondents

**CORAM : HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUMEET GOEL**

Present : Mr. Vaibhav Singh Tara, Advocate for the petitioner(s).

Mr. Deepak Balyan, Addl. Advocate General, Haryana.

Mr. Nikhil Mittal, Advocate,
for respondents No.5 and 6.

SHEEL NAGU, Chief Justice (ORAL)

1. The petitioner has filed the present petition aggrieved by the non-execution of an order passed by the District Magistrate, Yamuna Nagar dated 27.06.2018 (Annexure P-13), whereby directions were issued to the Sub-Divisional Magistrate to handover the possession of the secured asset to the petitioner within 30 days.

2. Respondents No.3 and 4 have filed written statement, *inter alia*, revealing that respondents No.5 and 6 have approached the Civil Court in Civil Suit No. 1283 of 2019, Civil Suit No. 235 of 2018, Civil Suit No. 146 of 2019, Civil Suit No. 2454 of 2019, Civil Suit No. 2662 of 2019 and Civil Suit No. 2666 of 2019, which are pending. The possession by the District

Magistrate, Yamuna Nagar has not been handed over to the petitioner financial institution/Bank.

3. Learned counsel for respondents No.5 and 6 admits that the order passed by the District Magistrate was not challenged by respondents No.5 and 6 by filing application under Section 17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'Act 2002').

4. In view of respondents No.5 and 6 having failed to challenge the order passed under Section 14 of the Act 2002 before the Debt Recovery Tribunal under Section 17 of the Act 2002, the order of the District Magistrate passed under Section 14 has become final and thus executable.

5. It is difficult to understand as to how a civil suit is maintainable in respect of a matter qua Act 2002 in the face of Section 34 of the Act 2002.

6. It is further beyond comprehension as to how the District Magistrate, Yamuna Nagar stayed his hands and failed to perform his statutory duty under Section 14 of the Act 2002.

7. The debt in question, for which the liquidation of the secured asset is to take place, is a part of non-productive asset (NPA) which is a huge burden on the public exchequer. What is being recovered is a national debt and not merely personal debt and, therefore, the District Magistrate cannot abdicate his statutory duty of handing over physical possession of the secured asset to the Bank/petitioner.

8. Consequently, this Court deems it appropriate to dispose of the present writ petition with the following directions :-

(i) The District Magistrate, Yamuna Nagar is directed to handover physical possession of the secured asset in question to the petitioner within a period of 30 days and if required after applying reasonable force by seeking assistance of the police.

(ii) Let the compliance report be filed before this Court latest by 31.05.2025 and if there is no compliance report filed, the matter be listed as PUD.

9. Pending application(s), if any, shall stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

April 24, 2025
Naveen

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No