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

CMs-9916-CWP-2023 & 12426-CWP-2023 in/and CWP-21672-2022 (O&M)

Date of decision : 29.08.2025

Punjab National Bank

…….Petitioner

Versus

State of Punjab and others

...….Respondents

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

Present: Mr. R.S. Bhatia, Advocate,
for the petitioner – Bank.

Mr. Vipin Pal Yadav, Addl. Advocate General, Punjab.

Mr. Aalok Jagga, Advocate,
for respondent No.12.

Mr. Vipin Mahajan, Advocate,
for respondent No.17.

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SHEEL NAGU, CHIEF JUSTICE (Oral)

CM-9916-CWP-2023

For reasons stated in the application, duly supported by an affidavit, applicant Arjun Dev is ordered to be impleaded as respondent No.17.

Accordingly, **CM-9916-2023** is allowed.

CM-12426-CWP-2023

For reasons stated in the application, duly supported by an affidavit, applicant Kamaljit Singh is ordered to be impleaded as respondent No.18.

Accordingly, **CM-12426-2023** is allowed.

CWP-21672-2023 (O&M)

1. The present petition has been filed by petitioner – Bank aggrieved by non-execution of orders dated 02.05.2019 (Annexure P-6) and 21.06.2019 (Annexure P-8) passed by District Magistrate, Gurdaspur (respondent No.2), under the provisions of Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, 'SARFAESI Act').

2. It is rather surprising that respondent No.3 has failed to discharge his statutory duty of assisting and handing over physical possession of the secured asset to the petitioner – Bank.

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.1 and 3 to execute the orders dated 02.05.2019 (Annexure P-6) and 21.06.2019 (Annexure P-8) passed by respondent No.2 under Section 14 of the SARFAESI Act, by handing over physical possession of the secured asset to the petitioner – Bank, as expeditiously as possible, preferably within a period of thirty days. The petitioner – Bank, thereafter, can proceed to adopt all possible legitimate means to liquidate the 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 party, who is party to this lis.

6. Pending application(s), if any, also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

August 21, 2025
narotam

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