IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

224

CWP-19578-2020
Date of Decision:- 04.11.2025

PUNJAB AND SIND BANK

....Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

...Respondent(s)

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

Present: Ms. Adarshpal Kaur, Advocate for the petitioner.

Mr. Vipan Pal Yadav, Additional A.G. Punjab.

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<u>SHEEL NAGU, C.J. (Oral)</u>

1. This petition has been filed by the Bank seeking direction for execution of an order dated 05.04.2019 (Annexure P-3) passed u/s 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act for brevity) by Additional District Magistrate, Bathinda.

2. The plea raised by the official respondents No.1, 2 and 3 *inter alia* is to the effect that respondent No.8-Harjit Kaur, by a sale deed dated 10.07.2012, purchased the secured asset in regard to which mortgage was created as early as on 01.09.2011 in favour of the Bank.

3. From the aforesaid, it is obvious that there may not have been relevant entries in the revenue record, but the title of the secured asset did not travel to respondent No.8, as it was charged with the petitioner-Bank by virtue of the mortgage created on 01.09.2011 securing a loan extended to respondent No.1 to the tune of ₹10 lakhs.

4. In view of above, the Bank is well within its rights to get the order of the District Magistrate passed under Section 14 of the SARFAESI Act

executed.

5. Furthermore, although service was effected upon the borrowers as well as guarantors i.e. respondents No.5, 6 and 7 way back in 2021, no one appeared for the said respondents despite grant of various opportunities.

6. In view of the above, this Court directs Respondent No.2 District Magistrate, Bathinda to execute the order dated 05.04.2019 (Annexure P-3) passed under Section 14 of SARFAESI Act by handing over physical possession of the secured asset to the petitioner-Bank as expeditiously as possible, preferably, within a period of 30 days by exercising reasonable force. The petitioner-Bank, thereafter, can proceed to adopt all possible legitimate means to liquidate the secured asset to recover the due amount.

7. 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.

8. 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.*

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

04.11.2025
S.Sharma

i) Whether speaking/reasoned? Yes/No
ii) Whether reportable? Yes/No