



**112+274 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CM-3281-CWP-2025 in/and
CWP No.20201 of 2024 (O&M)
Date of Decision: 15.05.2025

**CHOLAMANDALAM INVESTMENT AND FINANCE COMPANY
LIMITED**

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Sidharth Chopra, Advocate and
Mr. Manav Bajaj, Advocate,
for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

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ANUPINDER SINGH GREWAL, J. (Oral)

1. The petitioner is seeking direction to respondents No.5 and 6 to take appropriate legal action expeditiously by providing necessary help and protection to take the possession of the mortgaged property/secured asset in compliance of order dated 15.05.2024 (Annexure P-7) passed by the Chief Judicial Magistrate, Gurugram under Section 14 of the SARFAESI Act.
2. Learned counsel for the petitioner submits that the petitioner had advanced loan to respondents No.8 and 9 and on their failure to repay the same, the proceedings under the SARFAESI Act were initiated against them. After issuance of notices under Sections 13 (2) and 13(4) of the



SARFAESI Act, the Chief Judicial Magistrate, Gurugram had allowed the application preferred by the petitioner under Section 14 of the SARFAESI Act on 17.05.2023 (Annexure P-1). The possession of the property was delivered to the petitioner on 18.08.2023 but later the possession was forcibly taken by respondents No.8 and 9 with the help of respondent No.10. Thereafter, the petitioner had approached the District Administration by preferring a complaint against respondent No.10 but no action was taken.

3. Learned State counsel submits that on receipt of complaint from the petitioner on 13.05.2025, FIR No.75 dated 14.05.2025 has been registered against respondents No.8 and 10 and the investigation would be carried out in the right earnest.

4. Heard.

5. The petitioner is stated to be the secured creditor and in pursuance to order dated 17.05.2023 passed by the Chief Judicial Magistrate, Gurugram in the application preferred by the petitioner under section 14 of the SARFAESI Act, the possession of the secured asset had been delivered to it. The private respondents are stated to have forcibly taken the possession of the premises and the FIR in that regard has also been registered by the police. Therefore, we deem it appropriate to direct the petitioner to prefer an appropriate application before the concerned Magistrate, who shall consider and decide the same and take steps in accordance with law to restore the possession of the petitioner.

6. The petition stands disposed of in the aforesaid terms.



7. It is clarified that we are not expressing any opinion on the merits of the matter. This order shall have no bearing on adjudication by the competent Court/Tribunal.

8. All pending miscellaneous application(s) also stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

May 15, 2025
sandeep