



CWP-21280-2025

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

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CWP-21280-2025**Date of decision: 04.08.2025**

AU SMALL FINANCE BANK LIMITED

....Petitioner

Versus

DEPUTY COMMISSIONER CUM DISTRICT MAGISTRATE FATEHGARH
SAHIB AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present: Mr. Nitin Thatai, Advocate (Arguing counsel)
Ms. Monika Thatai, Advocate
for the petitioner-Bank.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab
Mr. Salil Sabhlok, Sr. DAG, Punjab with
Sub Inspector-Baljinder Singh, SHO Amloh.

SHEEL NAGU, C.J. (Oral)

1. The petitioner-Bank is before this Court praying for the following relief:

“i) WRIT in the nature of mandamus, directing the Respondent Nos.1 to 3 to provide adequate police protection to the petitioner-bank for the construction of a boundary wall around the property physically possessed by the Petitioner-Bank, and to ensure that no unauthorized person, especially Respondent No.4, interferes with or obstructs the said construction work and the peaceful possession of the Petitioner-Bank in accordance with the law.

ii) any other suitable writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the



case including exemption from service of advance notice on respondents.

iii) Filling of the certified copies of Annexures may kindly be dispensed with;

iv) Cost of this writ petition be awarded in favour of the Petitioner Bank.”

2. The factual matrix attending the present case are that respondent No.4 is a co-sharer of a residential house in village Mangarh, Tehsil Amloh, District Fatehgarh Sahib, Punjab, the vacant part of which was mortgaged to secure a loan where default took place leading to SARFAESI proceedings having been commenced which culminated into the Bank being handed over the physical possession of the secured asset pursuant to order passed under section 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short ‘SARFAESI Act’).

3. The grievance raised in this petition is that whenever proceedings of auction are proposed to be scheduled, and if a prospective buyer wants to visit the secured asset proposed, the co-sharer of the house i.e. respondent No.4, creates a ruckus and has gone to the extent of extending threats of committing suicide.

4. Despite petitioner-bank having made several requests to the police authorities, in the last six to seven months, no heed has been paid by the authorities.

5. Learned counsel for the State of Punjab assures that as and when the petitioner-Bank desires by giving an advance intimation to the concerned police station, i.e. Amloh Police Station, the police shall be providing adequate assistance to the petitioner-Bank to ensure that the secured asset is put to auction.

6. So far as the prayer for construction of wall, as made by the



petitioner-Bank is concerned, the same can also be raised along with other prayers of providing security, but without interfering into the privacy or encroaching upon the property, person and dignity of respondent No.4.

7. With the aforesaid observations, writ petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(YASHVIR SINGH RATHOR)
JUDGE

04.08.2025
mohit goyal

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