



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

128

CWP-22815-2025**Date of Decision:- 07.08.2025**

ICICI HOME FINANCE COMPANY LIMITED

....Petitioner(s)

Versus

THE DISTRICT MAGISTRATE, PALWAL, HARYANA AND ORS

...Respondent(s)

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

Present: Mr. Lakshay Jindal, Advocate for the petitioner.

Mr. Deepak Balyan, Additional A.G. Haryana.

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SHEEL NAGU, C.J. (Oral)

1. The present writ petition has been filed by petitioner-Bank aggrieved by non-execution of the order dated 16.05.2023 (Annexure P-4) passed by the District Magistrate, Palwal under the provisions of Section 14 Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act for brevity).

2. It is rather surprising that District Magistrate, Palwal (respondent No.1) or the concerned Tehsildar (respondent No.3) have failed to discharge their 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 Respondent No.1-District Magistrate, Palwal to execute the order dated 16.05.2023 (Annexure P-4) 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. The petitioner-Bank, thereafter, can proceed to adopt all possible legitimate means to liquidate the secured asset to recover the due amount.

4. Compliance report in this regard be filed by Respondent No.2 within 30 days from the date of execution failing which Registry of this Court is directed to list this case before appropriate Bench for ensuring compliance.

5. The petition for the time being stands disposed of in the terms aforesaid.

6. 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

07.08.2025

S.Sharma

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