



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

**CWP-25578 of 2025
Date of decision: 01.09.2025**

M/S GURUKUL EDUCATIONAL AND CHARITABLE TRUST

....Petitioner

V/S

STATE OF PUNJAB AND OTHERS.

... Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANDEEP MOUDGIL, JUDGE**

Present:- Mr. Sandesh Arora, Advocate, for the petitioner.
Mr. Vipin Pal Yadav, Addl. Advocate General, Punjab.
Mr. Salil Sabhlok, Senior Deputy Advocate General Punjab.
(through V.C.)

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The present petition has been filed by the petitioner-borrower, who took loan from the respondent-bank and on account of certain defaults, proceedings under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act') were commenced, which led to symbolic possession of the secured assets being given to the respondent-bank, sometime in 2014.

2. The petitioner-borrower has now risen from his stupor and has filed this writ petition after nearly 10 years, alleging that certain thefts and acts of trespass took place sometime in November, 2024, in regard to which complaints (Annexure P-16 and Annexure P-17) were made to the concerned Police Station, alleging commission of cognizable offences with regard to the secured assets.



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3. The Apex Court as well as this Court has held on several occasions that a writ of mandamus ought not to be issued when an alternative statutory remedy is available.

4. In case FIR is not being lodged, remedy available to the petitioner is to approach the jurisdictional Magistrate under Section 156 (3), read with Sections 190 and 200 of the Code of Criminal Procedure, 1973 [corresponding to Section 175(3) read with Sections 210 and 223 of the Bharatiya Nagarik Suraksha Sanhita, 2023]. [***Please see:- Sakiri Vasu Versus State of Uttar Pradesh and others, (2008) 2 SCC 409 (Para nos. 25-28); Anurag Bhatnagar and another Versus State (NCT of Delhi) and another, 2025 SCC online SC 1514 (Para nos. 28-34)***].

5. In view of the above, this Court declines interference on merits and disposes of this petition, with a liberty to the petitioner to avail the aforesaid remedy before the competent jurisdictional Magistrate.

(SHEEL NAGU)
CHIEF JUSTICE

(SANDEEP MOUDGIL)
JUDGE

01.09.2025

Kamal Gandhi

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