111

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-26641-2023
Date of decision: 27.08.2025

AADHAR HOUSING FINANCE LIMITED

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

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

*****

Present: Mr. Sylvister, Advocate for
Mr. Mohit Sareen, Advocate for the petitioner.

Mr. Vipin Pal Yadav, Addl. Advocate General, Punjab.

*****

SHEEL NAGU, C.J. (Oral)

1. Learned counsel for Bank informs that the petition filed by respondents No.6 and 7/borrowers bearing No.***CWP-12111-2022*** titled as ***'Balwinder Kaur and another vs. State of Punjab and others'*** has been disposed of by this Court vide order dated 18.08.2025 without interfering on merits, primarily on account of borrowers having failed to comply with the conditions subject to which the interim order was passed on 09.11.2022 in the said petition.

2. Present writ petition has been filed by petitioner-Bank aggrieved by non-execution of the order dated 25.01.2022 (Annexure P-4) passed by Additional District Magistrate-cum-Additional Deputy Commissioner, Patiala under the provisions of Section 14 Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act for brevity).

3. It is rather surprising that Additional District Magistrate-cum-Additional Deputy Commissioner, Patiala (Respondent No. 3) has failed to discharge his statutory duty of assisting and handing over physical possession of

the secured asset to the petitioner-Bank.

3.1 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.

4. In view of the above, this court by way of writ of mandamus directs respondent No.3 to execute the order dated 25.01.2022 (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.

5. 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.

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

27.08.2025
mohit goyal

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