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

CMs-18126-27-CWP-2025 in/and CWP-34443-2025

Date of decision : 03.12.2025

ICICI Home Finance Company Limited

.....Petitioner

Versus

The Additional District Magistrate, Patiala and others

.....Respondents

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

Present: Mr. B.S. Bhalla, Senior Advocate, with
Mr. Rakesh Gupta, Advocate,
for applicants/respondents No.4 and 5.

SHEEL NAGU, CHIEF JUSTICE (Oral)

CM-18126-CWP-2025

Copy of caveat filed by respondents No.4 and 5 is taken on
record.

Accordingly, **CM-18126-CWP-2025** is allowed.

CM-18127-CWP-2025

Respondents No.4 and 5 – borrowers have filed this application
(CM-18127-CWP-2025) for re-calling the order dated 19.11.2025 passed in
CWP-34443-2025.

Learned counsel for applicants submits that caveat was filed by
the applicants/respondents No.4 and 5 – borrowers in CWP-34443-2025,
which could not be listed on 19.11.2025, when the writ petition filed by the
financial institution was taken up and decided, without hearing the applicants.



In view of above, final order dated 19.11.2025 passed in CWP-34443-2025 is re-called and the writ petition (CWP-34443-2025) is restored to its original number.

Accordingly, **CM-18127-CWP-2025** is allowed.

CWP-34443-2025

1. Petitioner - financial institution has filed this petition seeking execution of order dated 24.07.2025 (Annexure P-2) passed by Additional District Magistrate, Patiala, u/s 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ('SARFAESI Act' for brevity).

2. This petition was earlier disposed of by this Court on 19.11.2025 and has been restored today by allowing **CM-18127-CWP-2025** filed by respondents No.4 and 5 – borrowers.

3. Learned counsel for respondents No.4 and 5 – borrowers submits that before passing order dated 19.11.2025, respondents No.4 and 5 were not heard.

3.1 This Court is afraid that such submission of borrowers cannot be entertained, as the scheme of SARFAESI Act, especially Section 14, does not prescribe opportunity of being heard to the borrower(s) for invocation of this Section. Therefore, for issuance of any direction for execution of an order passed u/s 14 of SARFAESI Act does not require borrower to be made necessary party.

3.2 More so, this Court, while deciding CWP-34443-2025 on 19.11.2025, by way of added precaution, had incorporated in paragraph 5 of the said order that in case there is any order already passed in favour of the



borrowers/guarantor/aggrieved person, the order of this Court dated 19.11.2025 shall be rendered otiose. Thus, submission of learned counsel for respondents No.4 and 5 – borrowers that SA No. 248 of 2025 pending before DRT – III, Chandigarh, would become infructuous, is not tenable.

4. This Court, in the given facts and circumstances, is obliged to issue a writ of mandamus, since the statutory duty of the District Magistrate/Tehsildar for executing the order dated 24.07.2025 passed u/s 14 of SARFAESI Act has not been performed.

5. Consequently, the petition stands disposed of in the following terms :-

- (i) In view of the above, this court by way of writ of mandamus directs respondents No.1 to 3 to execute the order dated 24.07.2025 (Annexure P-2) passed u/s 14 of SARFAESI Act by handing over physical possession of the secured asset to the petitioner – financial institution as expeditiously as possible, preferably within a period of 30 days. The petitioner – financial institution, thereafter, can proceed to adopt all possible legitimate means to liquidate the secured asset to recover the due amount.
- (ii) 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.
- (iii) 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.

- (iv) Respondent No.2 – Tehsildar, Patran, District Patiala, is directed to file a compliance report before the Registry of this Court within 45 days from the date of passing of this order. The Registry shall ensure that, in case any deficiency is found in the compliance report so filed, the matter be placed before the appropriate Bench on the judicial side under IOIN category.

(SHEEL NAGU)
CHIEF JUSTICE

December 03, 2025
narotam

(SANJIV BERRY)
JUDGE

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