

CWP-36290-2025 (O&M)

-1-

139 + 212**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CM-19537-CWP-2025 in/and CWP-36290-2025
IOIN-1-CWP-36290-2025

Date of decision : 24.12.2025

SMFG India Credit Company Ltd.

.....Petitioner

Versus

Executive Magistrate, Malerkotla and others

.....Respondents

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

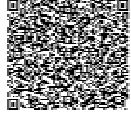
Present: None for the petitioner.

Mr. Salil Sabhlok, Senior DAG, Punjab.

Ms. Deepika Mittal, Advocate,
for respondents No.2 to 4.

SHEEL NAGU, CHIEF JUSTICE (Oral)**CM-19537-CWP-2025**Affidavit of Manager/Authorised Officer of the petitioner –
financial institution is taken on record.Accordingly, **CM-19537-CWP-2025** is allowed.**CWP-36290-2025**

1. This petition has been filed by petitioner – financial institution aggrieved by non-execution of order dated 09.04.2025 (Annexure P-4) passed by Additional District Magistrate, Malerkotla, u/s 14 of Securitisation and



Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, 'SARFAESI Act').

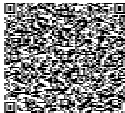
1.1 The Manager/Authorised Officer of the petitioner – financial institution in his affidavit dated 15.12.2025, placed on record vide CM-19537-CWP-2025, has specifically stated that neither any Securitisation Application u/s 17 of SARFAESI Act nor appeal u/s 18 of SARFAESI Act is pending before DRT or DRAT.

2. It is rather surprising that Executive Magistrate (Tehsildar), Malerkotla, (respondent No.1) has failed to discharge his statutory duty of assisting and handing over physical possession of secured assets to petitioner – financial institution.

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 to execute the order dated 09.04.2025 (Annexure P-4) passed by respondent No.1 u/s 14 of the SARFAESI Act, by handing over physical possession of secured assets to petitioner – financial institution, as expeditiously as possible, preferably within a period of thirty days. Petitioner – financial institution, thereafter, can proceed to adopt all possible legitimate means to liquidate secured assets to recover the due amount.

4. This 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.

5. 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.

6. Respondent No.1 is directed to file 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.

7. Since the writ petition has been disposed of, therefore, IOIN-1-CWP-36290-CWP-2025 also stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

December 24, 2025
narotam

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