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

CWP-36559 of 2025(O&M)
Date of decision: 17.12.2025

BANK OF INDIA

….Petitioner

V/S
THE DISTRICT MAGISTRATE, KURUKSHETRA AND OTHERS

… Respondents

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

Present: None.

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SHEEL NAGU, CHIEF JUSTICE (Oral)

CM No. 18983 of 2025

This application for placing on record the additional affidavit, filed by Sh. Rakesh Kumar, Assistant General Manager-cum-Authorized Officer, Bank of India is considered and allowed stating that no S.A is pending before DRT and DRAT.

Main Case

1. The present writ petition has been filed by petitioner-Bank aggrieved by non-execution of the order dated 24.04.2017 (Annexure P-3) passed by the District Magistrate, Kurukshetra, 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 the concerned Naib Tehsildar, Thansesar, District Kurukshetra or the Superintendent of Police, Kurukshetra, i.e. respondents no. 2 and 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 respondents No. 2 and 3 to execute the order dated 24.04.2017 (Annexure P-3) passed u/s 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. 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.

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. Respondents no. 2 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

(SANJIV BERRY)
JUDGE

17.12.2025

Kamal Gandhi

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