IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-6620 of 2026
Date of decision: 06.03.2026

HDFC BANK LTD.

....Petitioner

V/S

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Suneet Kumar, Advocate for the petitioner.
Mr. Vipin Pal Yadav, Addl. Advocate General, Punjab.

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SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The present writ petition has been filed by petitioner/Bank aggrieved by non-execution of the order dated 10.12.2024 (Annexure P-13) passed by the Additional District Magistrate, Patiala under the provisions of Section 14 Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act for brevity).

1.1 It is informed that no S.A. is pending before the Debts Recovery Tribunal or Debts Recovery Appellate Tribunal.

2. It is rather surprising that Additional District Magistrate, Patiala or the concerned Tehsildar, Samana, Senior Superintendent of Police i.e. respondent nos. 3, 4 and 5 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 respondent nos. 3,4 and 5 to execute the order dated 10.12.2024 (Annexure P-13)

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. Respondent no. 4 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.

7. Needless to clarify that this order shall not come in way of any party aggrieved by any recourse/action taken under SARFAESI Act to avail appropriate remedy before DRT/DRAT as per law.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

06.03.2026
Kamal Gandhi

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