



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-16875-2025 (O&M)
Date of Decision: 15.01.2026

BHUPINDER KAUR**... PETITIONER****Versus**

**TEHSILDAR CUM EXECUTIVE MAGISTRATE LUDHIANA(WEST)
AND OTHERS**

... RESPONDENTS

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

Present:- Mr. Sanjiv Ghai, Advocate and
Mr. Manpreet Singh, Advocate, for the petitioner.

Mr. Salil Sabhlok, Sr. Dy. Advocate General Punjab
for respondent No.1 and 2.

Abhinav Sood, Advocate
for respondent No.3.

SANJIV BERRY, J.

1. The instant writ petition under Article 226/227 of the Constitution of India has been preferred by the petitioner seeking issuance of writ in the nature of Certiorari for quashing of impugned proceedings taken out by respondent No.1 and 2 at the instance of respondent No.3 for taking possession of the residential property of the petitioner under the garb of taking possession of the mortgage property on the basis of notices dated 13.01.2025 (Annexure P-6), dated 17.02.2025 (Annexure P-8) and dated 13.05.2025 (Annexure P-9), despite the fact that the petitioner had never taken any financial facility from the



respondent No.3 nor had mortgaged any residential property in question and further none of the aforesaid notices issued by respondent No.3 under Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as SARFAESI Act) pertains to the property of the petitioner and the description of the property is totally different from the property mortgaged with the respondent No.3 which situated in totally different Khasra Numbers.

1.1 Besides, a writ of Mandamus has also been sought restraining respondent No.3 from proceedings against the residential property of the petitioner pursuant to any action being taken under SARFAESI Act proceedings including the order dated 04.12.2024 passed by the District Magistrate, Ludhiana under Section 14 of the SARFAESI Act.

2. It is the *inter alia* contended by learned counsel for the petitioner that the petitioner is owner in possession of the property bearing No.275, Street No.1 Preet Vihar, Ludhiana measuring 134.16 sq. yds. being part of the land out of Khasra No.8//11, 20/1/1, 7//15, 5/2, 16/1/1, Khata No. 86/88, 87/89, 175/183, 176/184 situated within the Revenue Estate of Village Manakwal, District Ludhiana, having been purchased by her through registered sale deed bearing Vasika No. 4250 dated 25.08.2015 (Annexure P-1). It is alleged that the property of the petitioner bears specific khasra numbers along with dimensions and boundaries as mentioned in the sale deed and described in para No.4 of the petition, the petitioner is reflected as co-sharer in the Jamabandi for the year 2013-2014 (Annexure P-2). He submits that the petitioner had neither availed any loan facility or any financial transactions with the respondent No.3 nor mortgaged her property in any manner but on the basis of impugned notices



13.05.2025 (Annexure P-9) the respondents are trying to take forcible possession of the property of the petitioner, despite the fact that the notices are addressed in the name of one Mohinder Singh Gandhi and Divya Chopra and also the fact that the property mentioned therein, having been mortgaged by those borrowers, is falling in different khasra numbers and having different dimensions. Hence prayed for acceptance of the petition.

3. Per contra, learned counsel for the contesting respondent No.3 has submitted that the property mentioned in the notices dated 13.01.2025 (Annexure P-6), dated 17.02.2025 (Annexure P-8) and dated 13.05.2025 (Annexure P-9) is mortgaged with the respondent No.3 and on account of non-adherence of the financial discipline the possession of the said property is taken by the respondent No.3 in accordance with law. However, he has not disputed the fact that the petitioner had not taken any financial assistance from the respondent No.3 neither she has mortgaged any property nor is she a guarantor in any manner.

4. After considering the rival submissions and perusing the record it transpires that the case putforth by the petitioner is that she is the owner in possession of the property in question vide sale deed dated 25.08.2015 (Annexure P-1) and recorded as co-sharer in Jamabandi for the year 2013-2014 (Annexure P-2). The property of the petitioner is fully described with dimensions and directions, and specific khasra numbers in the aforesaid sale deed. There is nothing on record that shows that the petitioner had ever availed any loan facility from respondent No.3 or stood guarantor in any manner for any such loan transactions. The impugned notices dated 13.01.2025 (Annexure P-6), dated 17.02.2025 (Annexure P-8) and dated 13.05.2025 (Annexure P-9) would reveal that the same are being issued in the name of one Mohinder Singh Gandhi and



proceedings by the Executive Magistrate on the basis of the impugned notices against the property owned and possessed by the petitioner could certainly be settled once the demarcation of the property is carried out by the Revenue Authorities and the confusion so cropped up be settled once for all.

5. As a consequent, the instant petition is hereby disposed of with directions to State of Punjab through respondent No.1 and 2 to get the demarcation of the secured asset as mentioned in the impugned notices dated 13.01.2025 (Annexure P-6), dated 17.02.2025 (Annexure P-8) and dated 13.05.2025 (Annexure P-9), in accordance with law, within a period of 60 days from today and supply the report thereof to the respondent No.3 as well as the petitioner and thereafter the respondent No.3 may proceed in accordance with law on the basis of said report after giving notice to the petitioner as well.

5.1 Till the demarcation report is submitted by the Revenue Authorities, the possession of the petitioner on the property owned by her as per sale deed dated 25.08.2015 (Annexure P-1) shall remained protected.

6. With the above said directions, the writ petition stand disposed of.

7. Miscellaneous application (s) if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

Dated: 15.01.2026

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No