



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

CWP-37604-2025 (O&M)
Date of decision : 13.02.2026

Canara Bank

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Gaurav Goel, Advocate,
for the petitioner-Bank.

Mr. Salil Sabhlok, Senior DAG, Punjab.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The petitioner-Bank has filed this petition praying for the following relief:

(i) To issue a Writ of Mandamus or any other appropriate writ, order, or direction, directing respondent No.3 (Tehsildar) and/or respondent No.4 (Halqa Patwari) to correct/clarify the erroneous 'Stay' entry in the revenue records (Jamabandi/Mutation Register) pertaining to the mortgaged property, House No.D-569, Amritsar, in light of the order dated 18.04.2023 (Annexure P-5) passed by the Civil Judge (Junior Division), Amritsar, in CS/1105/2023.

(ii) To issue a Writ of Mandamus or any other appropriate writ, order, or direction, directing respondent No.3 and/or respondent No.4 to decide the representation dated 11.11.2025 (Annexure P-8) submitted by the Petitioner Bank, in a time-bound manner, and take appropriate consequential steps in

accordance with law, including the necessary changes in the revenue records to facilitate the completion of the sale and registration of the Sale Certificate in favour of the successful bidder.

2. Grievance of the petitioner-Bank is that when the auction of the secured asset took place on 12.11.2025, the subsequent step of registration of the sale certificate, pursuant to auction, was effected on 23.01.2026, whereafter the next step is of mutating the name of petitioner-Bank (auction purchaser) in the revenue records in place of the name of borrower, which could not take place due to an entry made in the Jamabandi/Mutation Register pertaining to the secured asset in light of the order dated 18.04.2023 (Annexure P-5) passed by the Civil Judge (Junior Division), Amritsar, in civil suit No.1105 of 2023, which for ready reference and convenience, is reproduced below:-

CIS No. CS/1105/2023

Present: Sh. Suniti Paul, Advocate for the plaintiff.

1. Heard on application u/o 39 rules 1 & 2 read with Section 151 CPC for grant of interim ex-parte injunction. It has been contended by Ld. Counsel for the plaintiff that plaintiff has filed the suit for possession by way of agreement to sell dated 27.03.2019 and for permanent injunction restraining the defendant from alienating the suit property mentioned in the head note of the plaint by way of mortgage, rent out, lease out, sale or in any other manner for which, he is having no right to do so. To substantiate his contention, the plaintiff has placed on record documents i.e. copy of Adhar Card of Kuldeep Thakur, agreement to sell dated 27.03.2019, copy of notice dated 02.02.2023, its postal receipts, affidavit of Kuldeep Thakur dated 28.03.2023, Bank statement of Kuldeep Thakur, copy of sale deed dated 03.07.2009, copy of jamabandi for the year 2014-2015 etc.

2. From all the abovesaid documents prima facie, it appears that ex-parte interim order is warranted by circumstances as in the absence of same the whole purpose of filing the present suit would be frustrated. In these circumstances, the defendant is hereby restrained from alienating the suit property till further order. It is made clear that this order will not interfere in any bank proceedings, if pending. However, this order is subject to compliance of order 39 rule 3 CPC. Summons be issued to defendants for 18.04.2023, through ordinary as well as registered post on filing of PF/RC/copy of plaint. Dasti process, if desired be taken.

Announced: 18.04.2023

**(Sumukhi)
Civil Judge (Junior Division), Asr.
UID No.PB0379"**

3. It is informed by learned counsel for the State of Punjab that the *rapat* in respect of the secured asset, which has been auctioned reproduces the interim order passed by the Civil Court on 18.04.2023, which is taken on record as Annexure 'Z'.

4. Learned counsel for the State of Punjab also submits that no official or representative of the petitioner-Bank/Auction Purchaser has approached the concerned Tehsildar for mutation.

5. Learned counsel for the petitioner-Bank does not dispute that the Bank has not yet moved an application for mutation.

6. In view of the above, this case need not be kept pending and is disposed of in the following terms:

(i) The petitioner-Bank (Auction Purchaser) is directed to file an application for mutation before the concerned Tehsildar/competent authority within a period of 15 days and if, this direction is complied

with, then the Tehsildar/competent authority shall decide the application in accordance with law, within an outer limit of 60 days.

7. Pending applications, if any, also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

February 13, 2026
Ajay Prasher

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