2026:UHC:3014

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No.1083 of 2026

23rd April, 2026

Aavas Financiers Limited .....Petitioner

Versus

District Magistrate and others .....Respondents

Presence:-
Mr. Pawan Sanwal, learned counsel for the petitioner.
Mr. N.S. Pundir, learned D.A.G. for the State.

Hon'ble Pankaj Purohit, J.

This writ petition has been filed by the petitioner for implementation of the order dated 10.01.2025 passed by the learned CJM, Udham Singh Nagar under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, "the SARFAESI Act, 2002") for taking actual possession of the secured asset expeditiously.

2. The facts of the case, in short, are that the petitioner is a financial institution which extended a term loan to respondent nos.3 & 4, amounting to Rs.10 lakhs, bearing Loan Account No.LNRDP00520-210172185 on 16.02.2021 and Loan of Rs.5 lakhs, bearing Loan Account No.No.LNRDP15222-230236036 on 20.06.2022, against the property enumerated in para 4 of the writ petition, which is quoted hereinbelow:-

> "All the part and parcel of the land belonging to Mamta Chauhan more particularly described as Plot no.A-3, Khet/Khasra No.160 Min, Village-Shimla Bahadur, Near Rediant School, Tehsil-Rudrapur, Udham Singh Nagar, Uttarakhand-263153.

3. The respondents/borrowers failed to maintain their account, which resulted in the declaration of the said

account of respondent nos.3 & 4 as a non-performing asset (NPA) on 04.09.2024. The petitioner decided to recover the outstanding amount from respondent nos.3 & 4 and initiated proceedings under the SARFAESI Act, 2002. An application has been moved by the petitioner-Financial Institution before the learned CJM, Udham Singh Nagar to hand over the possession of the secured asset to the petitioner-institution. The said application was allowed by judgment and order dated 10.01.2025 passed by the learned CJM, Udham Singh Nagar.

4. The petitioner wants that order to be executed, as the grievance which has been canvassed by the petitioner in the writ petition is that the order has not, so far, been complied with.

5. Learned Standing Counsel for the State submits that if the petitioner approaches respondent nos.1 and 2, police protection would be provided to the petitioner to get possession of the secured asset in accordance with law.

6. Accordingly, the writ petition is disposed of finally, and it is provided that respondent nos.1 and 2, if approached by the petitioner-Institution, shall provide proper co-operation and police assistance to the petitioner for compliance of the order dated 10.01.2025. The whole exercise shall be concluded within a period of thirty days from today.

7. Pending application, if any, stands disposed of.

(Pankaj Purohit, J.)
23.04.2026

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