



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 2716 of 2025

27 April, 2026

Punjab National Bank

--Petitioner

Versus

District Magistrate Nainital and Another --Respondents

Presence:-

Mr. Siddharth Jain, learned counsel for petitioner-Bank.

Mr. Devendra Pant, learned Standing Counsel for the State of Uttarakhand/respondent No.1.

Mr. Bhupesh Kandpal, learned counsel for applicant, who has moved impleadment application (IA/2/2025).

Hon'ble Pankaj Purohit, J.

An impleadment application (IA/2/2025) has been moved by applicant Rajendra Singh S/o guarantor Late Kishan Singh, for impleading him as party respondent No.3 in the present writ petition.

2. Since the power exercised by the learned District Magistrate under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002, (hereinafter referred to as 'the Act') is purely administrative in nature, therefore, guarantor was never a necessary party in the present proceedings. Since, guarantor-Late Kishan Singh had expired, therefore, after his death, his son i.e. applicant cannot be made a party in the present proceedings.

3. Accordingly, impleadment application (IA/2/2025) is rejected.

4. This writ petition has been filed by petitioner-Bank for quashing the order dated 16.04.2025



2026:UHC:3158

(Annexure No.5 to the writ petition), whereby, learned District Magistrate, Nainital, stayed, its order dated 16.07.2022 passed under Section 14 of the Act on the ground that the order has been passed against a dead person.

5. It is contended by learned counsel for petitioner-Bank that once the order passed under Section 14 of the Act for handing over the possession of the secured assets, learned District Magistrate becomes *functus officio*, and therefore, it cannot pass any order in respect of the order passed under Section 14 of the Act.

6. This Court is in full agreement with the submission made by learned counsel for petitioner-Bank.

7. Accordingly, the present writ petition is allowed. Order dated 16.04.2025 passed by learned District Magistrate Nainital is hereby set aside. Petitioner-Bank may proceed against other borrowers and guarantors of the loan advanced by the petitioner-Bank in accordance with law and in the light of the judgment and order dated 09.04.2026 passed by Debts Recovery Tribunal, Dehradun, in M.A. No.15 of 2025 *Smt. Anandi Devi and Another Vs. Punjab National Bank and Others*.

8. Pending application also stands disposed of.

(Pankaj Purohit, J.)
27.04.2026

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