



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

CWP-490-2024 (O&M)

Date of decision : 30.09.2025

SMFG India Credit Company Ltd.

....Petitioner

Versus

Executive Magistrate, Jalandhar and others

....Respondents

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

Present: None.

SHEEL NAGU, CHIEF JUSTICE (Oral)

The present writ petition has been filed by petitioner-financial institution aggrieved by non-execution of the order dated 03.03.2023 (Annexure P-4) passed by the Additional District Magistrate, Jalandhar, under the provisions of Section 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act for brevity).

2. It is rather surprising that the concerned Executive Magistrate-respondent No.1 has failed to discharge its statutory duty of assisting and handing over physical possession of the secured asset to the petitioner-financial institution.

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 No.1 (Executive Magistrate) to execute the order dated 03.03.2023 (Annexure P-4) passed under Section 14 of SARFAESI Act by handing over physical possession of the secured asset to the petitioner (financial institution) as expeditiously as possible, preferably, within a period of 60 days. The petitioner, 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.

**(SHEEL NAGU)
CHIEF JUSTICE**

**(SANJIV BERRY)
JUDGE**

September 30, 2025
Ajay Prasher

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