



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

CWP-23097-2025

Date of decision : 11.08.2025

Tata Capital Housing Finance Limited

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present: Ms. Puja Arora, Advocate,
for the petitioner.

Mr. Vipin Pal Yadav, Addl. Advocate General, Punjab.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The present petition has been filed by petitioner – Financial Institution aggrieved by non-execution of orders dated 07.08.2024 and 12.11.2024 (Annexures P-3 and P-4) passed by the Chief Judicial Magistrate, Ludhiana, under the provisions of Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, 'SARFAESI Act').

2. It is rather surprising that the Collector, Ludhiana (respondent No.2), has failed to discharge his 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 respondents No.2 to 5 to execute the orders dated 07.08.2024 and 12.11.2024 (Annexures P-3 and P-4) passed by the Chief Judicial Magistrate, Ludhiana, under Section 14 of the 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 thirty days. The petitioner – Financial Institution, thereafter, can proceed to adopt all possible legitimate means to liquidate the secured asset to recover the due amount.

4. This petition for the time being stands disposed of in the terms aforesaid.

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.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

August 11, 2025
narotam

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