



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

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CWP-3378-2025.

Date of Decision: 20.02.2025.

State Bank of India

....Petitioner.

VERSUS

State of Punjab and others

....Respondents.

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Chandeeep Singh, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J. (Oral)

The petitioner is seeking a direction to respondents No.1 to 5 to hand over the physical possession of the secured asset in terms of order dated 07.05.2019 (Annexure P-3) passed by respondent No.2-District Magistrate, Patiala, under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'SARFAESI Act').

2. Learned counsel for the petitioner submits that a civil suit had been preferred by the tenant wherein interim order had been passed, but upon an application preferred by the auction purchaser, Civil Court, vide order dated 14.02.2025, has clarified that there is no impediment in the way of the Tehsildar for completing possession proceedings under the SARFAESI Act. He has furnished copy of the order dated 14.02.2025, which is taken on the record. He submits that the petitioner-Bank has also preferred an application under Order VII Rule 11 CPC.

3. Issue notice to respondents No.1 to 5 only at this stage.
4. At the asking of the Court, Mr. Aftab Singh Khara, Senior Deputy Advocate General, Punjab, accepts notice on behalf of respondents No.1 to 5.
5. Heard.
6. In view of the limited prayer, the petition is disposed of with a direction to respondents No.2 to 5 to implement order dated 07.05.2019 (Annexure P-3) to enable the petitioner to take physical possession of the property in accordance with law expeditiously preferably within a period of two months from the date of receipt of certified copy of this order.
7. It is clarified that we are not expressing any opinion on the merits of the matter. This order shall have no bearing on adjudication by the competent Court/Tribunal.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

20.02.2025

jitender

Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No