



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-14855-2021(O&M)
Date of decision: 27.08.2025

Indian Overseas Bank

....Petitioner.

Versus

District Magistrate and ors

....Respondents.

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

Present:- Mr. K.K. Goel, Advocate,
for the petitioner.

Mr. Deepak Balyan, Addl. AG, Haryana.

Mr. Amit Gupta, Advocate,
for respondent No. 4.

.....

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The present writ petition has been filed by petitioner Bank aggrieved by non-execution of the order dated 23.02.2021 (Annexure P-3) passed by the District Magistrate, Gurugram, under the provisions of Section 14 Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act for brevity).

2. It is rather surprising that District Magistrate, Gurugram, or the concerned Tehsildar (Respondents No.1 and 3) have failed to discharge their statutory duty of assisting and handing over physical possession of the secured asset to the petitioner Bank.

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.1 and 3 to execute the order dated 23.02.2021 (Annexure P-3) passed under Section 14 of SARFAESI Act by handing over physical possession of the secured asset to the petitioner Bank as expeditiously as possible, preferably, within a period of 30 days. The petitioner bank, 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*.

6. Pending miscellaneous application, if any, also stands dismissed.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

27.08.2025

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