

2025.PHHC.132218-DB



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

CWP-21148-2023 (O&M)

Date of decision : 22.09.2025

Bank of India

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present: Mr. Varun Katyal, Advocate,
Mr. Sanjiv Gupta, Advocate,
and Mr. Krishnam Gupta, Advocate,
for the petitioner.

Mr. Deepak Balyan, Addl. A.G., Haryana.

Mr. Nimanyu Gautam, Advocate,
for respondent Nos. 4 to 6.

SHEEL NAGU, CHIEF JUSTICE (Oral)

The present writ petition has been filed by petitioner-Bank aggrieved by non-execution of the order dated 26.04.2023 (Annexure P-2) passed by the District Magistrate, Fatehabad, 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 District Magistrate, Fatehabad or the concerned Naib Tehsildar-respondent No.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 respondent Nos. 2 and 3 (District Magistrate, Fatehabad and the concerned Naib Tehsildar) to execute the order dated 26.04.2023 (Annexure P-2) 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 60 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.

**(SHEEL NAGU)
CHIEF JUSTICE**

September 22, 2025
Ajay Prasher

**(SANJIV BERRY)
JUDGE**

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