
(2025) 11 P&H CK 2001

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 21758 Of 2022

Aditya Birla Finance Limited

APPELLANT

Vs

Tehsildar Chandigarh And Others

RESPONDENT

Date of Decision : 21-11-2025

Acts Referred:

Securitisation And Reconstruction Of Financial Assets And Enforcement Of Security Interest Act, 2002 — Section 14

Citation : (2025) 11 P&H CK 2001

Hon'ble Judges : Sheel Nagu, CJ; Sanjiv Berry, J

Bench : Division Bench

Advocate : Palak Dev, Anil Sharma, Viren Sharma, Yash Srivastava

Final Decision : Disposed Of

Judgement

Sheel Nagu, CJ

1. The present writ petition has been filed by petitioner Bank aggrieved by non-execution of the order dated 06.04.2022 (Annexure P-2) passed by the District Magistrate, Chandigarh 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, Chandigarh or the concerned Tehsildar (Respondent No.1) 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 No.1 to execute the order dated 06.04.2022 (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 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. Respondents No.1 is directed to file a compliance report before the Registry of this Court within 45 days from the date of passing of this order. The Registry shall ensure that, in case any deficiency is found in the compliance report so filed, the matter be placed before the appropriate Bench on the judicial side under IOIN category.