2026:PHHC:062087-DB

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

(126)

CWP-11000-2026
Date of decision:- 23.04.2026

Meena Dua **... Petitioner**

Versus

Union Bank of India and others **... Respondents**

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL
HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Yogesh Kumar, Advocate, for the petitioner.

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SUVIR SEHGAL, J. (*ORAL*)

1. Petitioner, who is a successful auction purchaser, has approached this Court for directing the respondents to handover the physical possession of the property.

2. It has been pleaded that respondent No.5 had availed a credit facility from Union Bank of India-respondent No.1 and upon default, proceedings were initiated under the SARFAESI Act, 2002, after the loan account was classified as NPA on 29.07.2023. A perusal of the petition further shows that an order dated 19.01.2026, Annexure P-1, was passed under Section 14 of the SARFAESI Act, 2002, whereby Authorized Officer of respondent No.1-Bank was permitted to take over possession of the secured asset. It has been asserted that despite the said order, Bank has not taken over the possession of the secured asset and has not handed it over to petitioner, who is entitled to the same.

3. Advance copy of the petition has been served upon the respondents.

4. Mr. Chandra Kumar Jha, Advocate puts in appearance on behalf of respondent No.1-Union Bank of India.

5. On asking of the Court, Mr. Akhil Kamra, AAG, Punjab puts in appearance on behalf of respondents No.2 to 4.

6. Mr. Ashish Soi, Advocate has put in appearance on behalf of respondent No.5 and has filed Vakalatnama, which is taken on record. He submits that he has preferred a Securitization Application before the Debt Recovery Tribunal (DRT), which is pending. He states that an application for stay filed by him was rejected by the DRT-III, Chandigarh and he has filed a review application. This Court has been apprised that the DRT proceedings are now fixed for 04.05.2026.

7. Be that as it may, since an order under Section 14 of the SARFAESI Act, 2002 has already been passed, possession of the secured asset has to be taken and handed over to the auction purchaser.

8. Accordingly, this writ petition is ***disposed of*** with a direction to respondents No.2 to 4 to take over the physical possession of the secured asset within a period of 60 days and hand over the same to the Bank, which shall proceed further in accordance with law. It is clarified that in case there is any interim order passed by the Debt Recovery Tribunal or by any other Court, the authorities shall give due regard to the same.

(SUVIR SEHGAL)
JUDGE

(VIKAS SURI)
JUDGE

23.04.2026
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No