

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 2975/2026

Aavas Financiers Limited, (Formerly Known As Au Housing Financed Limited) Through Its Authorized Signatory Mr. Ajay Kumar Yadav S/o Chittar Mal, Age - 32, Years, Having Registered And Corporate Office At 201-202, 2Nd Floor, Southend Square, Mansarovar Industrial Area, Jaipur - 302020, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Home, Government Secretariat, Jaipur, Rajasthan.
2. Superintendent Of Police, Bhilwara, Office Of The Superintendent Of Police Bhilwara, Rajasthan.
3. Station House Officer, Police Station Kotri, District Bhilwara, Rajasthan.
4. Mahima Devi Gurjar D/o Ram Kishan Gurjar, R/o Gram Narsinghpura, Bhojpur, B.q. Bhilwara, Rajasthan - 311404. Also At - Patta No. 36, Book No. 313, Gram Narsinghpura, Gram Panchayat Girdiya Panchayat Samiti - Shahpura, Bhilwara, Rajasthan - 311404.
5. Shyam Lal Gurjar S/o Jailal Gurjar, R/o Rooppura, Kotri S.o. (Bhilwara) Bhilwara, Rajasthan - 311603.

-----Respondents

For Petitioner(s) : Mr. Arpit Mehta

For Respondent(s) : -

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

11/02/2026

1. The instant writ petition under Article 226 of the Constitution of India has been filed by the petitioner seeking the following reliefs:-

"Therefore, most humbly prayed that respondent no. 2 and 3 be directed to forthwith remove trespassers from the

property viz. "(i) All The Part And Parcel Of Property of Mahima Devi Gurjar at Patta No.36, Book No. 313, Gram-Narsingpura, Gram Panchayat Girdiya Panchayat Samiti-Shahpura, Bhilwara, Rajasthan, 311404 admeasuring 2268 Sq.Ft." which was in physical possession of the petitioner company and to take further steps in handing over the vacant and physical possession of the said property to the Authorized Officer of the petitioner company in time bound manner. Any other appropriate order or direction which the Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. Learned counsel for the petitioner submitted that the petitioner is a Bank and it had granted loan to the respondent No.4 & 5. Since the loan amount was not repaid by the respondent No.4 & 5, therefore, he was declared as NPA and the proceedings under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act of 2002') were initiated by the petitioner- Bank under the Act of 2002, possession of the mortgaged property was taken over by the petitioner- Bank with the aid of police on 23.09.2025.

3. Learned counsel for the petitioner submitted that the respondent No.4 & 5 after the possession of the mortgaged property being taken over by the petitioner- Bank, forcibly entered the mortgaged property by breaking in. It was submitted that act and inaction of the respondent No.4 & 5 is nothing but tantamount to be an assault on the rule of law. He submits that in the circumstances, the petitioner- Bank approached the Superintendent of Police, Bhilwara and SHO, Kotri, District Bhilwara for restoring the possession of the mortgaged property but till date, no action has been taken by them.

4. Learned counsel further submitted that it is a sorry state of affairs that despite repeated requests by the petitioner- Bank to take action in the matter, the police authorities are rather silent in

the matter by not taking any action pursuant to the complaint registered by the petitioner – Bank. Learned counsel thus prayed that the District Superintendent of Police, Bhilwara and SHO, Kotri, District Bhilwara may be directed to act upon the applications/ representations filed by the petitioner for securing the possession of the property mortgaged by it particularly keeping in view the fact that the property in dispute already was taken over by the petitioner – Bank with police aid on 23.09.2025.

5. Heard learned counsel for the petitioner. Perused the material available on record.

6. Having considered the facts and circumstances of the case, this Court deems it just and appropriate to dispose of the present writ petition with a direction to the Superintendent of Police, Bhilwara and SHO, Kotri, District Bhilwara to act immediately take appropriate action for restoring the possession of the mortgaged property to the bank, in accordance with law. This Court is compelled to observe that if the petitioner is not allowed to take possession of the said property, it will amount to clear case of defiance of law and, therefore, the Superintendent of Police, Bhilwara and SHO, Kotri, District Bhilwara are under an obligation to act in consonance with the provisions of law for restoring the possession of the petitioner in the circumstance since the petitioner has already approached them.

7. It is expected from the Superintendent of Police, Bhilwara and SHO, Kotri, District Bhilwara that appropriate action for restoring the possession of the mortgaged property in favour of the petitioner- Bank shall be taken by them within a period of fifteen days from the date of receipt of certified copy of this order.

8. With the aforesaid directions, the present writ petition as well as stay application stand disposed of.

(KULDEEP MATHUR),J

49-divya/-