

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

S.B. Civil Writ Petition No. 3184/2026

Aavas Financiers Limited, (Formerly Known As Au Housing Finance Limited) Through Its Authorized Signatory 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 Phulia Kalan, District Bhilwara, Rajasthan.
4. Dhanraj Keer S/o Jagdish Chandra Keer, R/o Nai Rajyas, Fuliya Kalan, Hukumpura, Bhilwara, Rajasthan - 311407. Also At - Patta No. 16, Khasra No. 590, Nai Rajyas, G/p Devriya, Tehsil Phulia Kalan, Bhilwara, Rajasthan. Also At - Patta No. 23, Khasra No. 590, Nai Rajyas, G/p Devriya, Tehsil Phulia Kalan, Bhilwara, Rajasthan.
5. Parwati Devi W/o Dhanraj Keer, R/o Nai Rajyas, Fuliya Kalan, Hukumpura, Bhilwara, Rajasthan - 311407.
6. Hanuman Keer S/o Jagdish Keer, R/o Nai Rajyas, Fuliya Kalan, Hukumpura, Bhilwara, Rajasthan - 311407.

-----Respondents

For Petitioner(s) : Mr. Arpit Mehta.
For Respondent(s) : -

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

12/02/2026 (Corrected on 13/02/2026)

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 Mr. Dhanraj keer at Patta No. 16, Khasra No. 590, Nai Rajyas, G/P Devriya, Tehsil Phulia Kalan, Bhilwara, Rajasthan

admeasuring 1392 Sq.Ft and (ii) All The Part And Parcel Of Property of Mr.Hanuman Keer at Patta No. 23, Khasra No. 590, Nai Rajyas, G/P Devriya, Tehsil Phulia Kalan, Bhilwara, Rajasthan admeasuring 1392 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."

2. Learned counsel for the petitioner submitted that the petitioner is a Bank and it had granted loan to the respondent No.4 to 6. Since the loan amount was not repaid by the respondent No.4 to 6, 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 23.01.2025.

3. Learned counsel for the petitioner submitted that the respondent No.4 to 6 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 to 6 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, Police Station Phulia Kalan, 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, Police Station Phulia Kalan, 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 23.01.2025.

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, Police Station Phulia Kalan, 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, Police Station Phulia Kalan, 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, Police Station Phulia Kalan, 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 stands disposed of.

(KULDEEP MATHUR),J

66-Tikam/-