

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

S.B. Civil Writ Petition No. 6696/2026

M/s JM Financial Asset Reconstruction Company Limited,  
Through Its Authorized Officer Yashpal Singh S/o Shri Uttam  
Singh Rawat, Aged About 34 Years, Having Office At Registered  
Office - 7Th Floor, Cnergy, Appasahed Marathe Marg, Prabhadevi,  
Mumbai - 400025.

-----Petitioner

Versus

1. Teja Ram S/o Rana Ram Meghwal, Resident Of Meghwalo  
Ki Dhani, Jelu Gagri Tehsil Tiwari, Jodhpur.
2. Gulab Devi W/o- Teja Ram, Aged About 26 Years,  
Resident Of Meghwalo Ki Dhani, Jelu Gagri Tehsil Tiwari,  
Jodhpur.
3. Superintendent Of Police, Jodhpur (Rajasthan).
4. Station House Officer (S.h.o.), Police Station Mathaniya,  
District Jodhpur East (Rajasthan).

-----Respondents

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| For Petitioner(s) | : | Mr. Chirag Mathur<br>Mr. Nikhil Ajmera |
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**HON'BLE MR. JUSTICE KULDEEP MATHUR**

**Order**

**27/03/2026**

1. Learned counsel for the petitioner submits that the controversy raised in the present writ petition is no more *res integra* in view of the judgment passed by a co-ordinate Bench of this Court in **S.B. Civil Writ Petition No.10092/2025 (HDFC Bank Limited Vs. State of Rajasthan and Ors.)** decided on 05.08.2025.

2. Learned counsel for the petitioner submits that the present writ petition may also be disposed of in the same terms as **HDFC**

**Bank Limited Vs. State of Rajasthan and Ors (supra).** The order passed in the said writ petition is reproduced herein below:-

"Heard learned counsel for the petitioner.

The present writ petition has been filed by the petitioner seeking following reliefs:

"A. Issue of a Writ in the nature of Mandamus for directing the Respondent no. 2 "Ld. District Collector, Chittorgarh" to forthwith and or/and within such time as this Hon'ble court may deem fit and proper to render necessary assistance with the aid and assistance of Respondent no.3 to 4 for restoration of the secured asset to HDFC Bank Ltd. (Petitioner Bank) in terms of the order dated 26/09/2017 (Annexure-4) passed under section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002; and/or

B. Issue an appropriate Writ or order to declare that the Respondent nos. 5 to 7 have violated the mandate of SARFAESI Act, 2002 thereby forcefully and unlawfully divesting/dispossessing the Petitioner Bank from secured asset and further declare the Respondent no. 3 need to honor the order dated 26/09/2017 passed by the Respondent no.2, under section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002; and/or

C. Issue a Writ in the nature of Mandamus thereby directing the Respondent no. 3 and 4 to consider the Complaint dated- 13/12/2024 & 19/12/2024 (Annex+9 preferred by Petitioner Bank and register an FIR against the respondent borrowers, who have illegally

dispossessed the Petitioner Bank from the Secured asset and has tried to overreach the law as well as the orders passed by judicial authorities, which has to be nipped in the bud right away, lest the rule of law shall suffer; and/or

D. By an appropriate writ(s), order(s), or direction(s) impose the cost against the respondent borrowers as well as state instrumentalities for inaction and the said cost may be directed to be given to the petitioner-Bank;"

Mr. Himanshu Choudhary, learned counsel for the petitioner submits that the petitioner is a financial institution and it had granted loan in favour of the respondent No.5- M/s. Annu Transport-borrower and respondent No.6- Gajanand Sharma- co-borrower and the respondent No.7 was the guarantor. Since, the loan amount was not repaid by the respondent No.5 & 6, therefore, it was declared as NPA and proceedings under Securitization and Reconstruction of Financial Assets and Enforcement Security Interests Act, 2002 (for short, Act of 2002') were undertaken by the petitioner Bank. In pursuance of the proceedings undertaken by the petitioner under the Act of 2002, possession of the mortgaged property was taken over by the petitioner Bank. After the petitioner had taken over the possession, the respondent No.6 broke the locks of the property and forcibly entered into it. In the circumstances, the petitioner being a financial institution approached the District Collector, Chittorgarh and Superintendent of Police, Chittorgarh for restoring the possession of the mortgaged property to it but till date, no action has been taken by them.

It is also contended that despite ample opportunities having been granted to the respondents Nos.5 and 6, the amount due to the petitioner has not been paid till date and further, in defiance of rule of law, the respondent No.6 has also forcibly taken over possession of the mortgaged

property. Learned counsel in these circumstances submits that the authorities i.e. the District Collector, Chittorgarh and the Superintendent of Police, Chittorgarh may be directed to protect interest of the petitioner as it is a clear case of a situation of lawlessness at the hands of respondent No.6. He, therefore, prays that the official respondents may be directed to act upon the representations/applications filed by the petitioner for securing possession of the property mortgaged to it.

I have considered the submissions made at the bar and gone through the relevant record of the case.

The facts narrated above clearly show that the respondents No.5 and 6 had taken loan from the petitioner and in the process, they had mortgaged their property for securing the loan amount. It is also clear that the respondent No.5 & 6 had not repaid the loan amount, therefore, the proceedings under the Act of 2002 were initiated against them. The proceedings aforesaid culminated into issuance of possession notice by the petitioner bank for securing the loan amount. After the petitioner having taken over possession of the mortgaged property of the respondent No.5 & 6, the respondent No.6 has forcibly taken over possession of the mortgaged property and has been enjoying the same without any repayment of the loan amount due to the petitioner. The petitioner, being aggrieved by the aforementioned circumstances, approached the respondent Superintendent of Police, Chittorgarh and the District Collector, Chittorgarh by way of filing appropriate representations as per the Rules for securing possession of the mortgaged property.

It is submitted that till date, the possession of mortgaged property has not been restored to the petitioner bank. If the petitioner is not allowed to take possession of the mortgaged property back, it will amount to a clear case of defiance of rule of law and therefore, the respondents Nos.2 and 3 are under an obligation to act in consonance with the provisions of law for restoring possession of the

petitioner in the circumstances when the petitioner has already approached them.

In view of the discussion made above, the writ petition merits acceptance and therefore, the same is allowed. The respondent No.2 District Collector, Chittorgarh and the respondent No.3- Superintendent of Police, Chittorgarh are directed to act immediately for restoring possession of the mortgaged property to the bank in accordance with law.

The entire exercise shall be carried out by the respondents within a period of four weeks from the date of receipt of certified copy of this order.”

3. In view of the submissions made, the present writ petition is **disposed of** in the same terms as was decided in the case of **HDFC Bank Limited Vs. State of Rajasthan and Ors (supra)**. The respondent No.3 Superintendent of Police, Jodhpur, Rajasthan is directed to act immediately for restoring possession of the mortgaged property to the bank in accordance with law.
4. The entire exercise shall be carried out by the respondent within a period of four weeks from the date of receipt of certified copy of this order.
5. Pending application(s), if any, also stand(s) disposed of.

**(KULDEEP MATHUR),J**