

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

S.B. Civil Writ Petition No. 9895/2026

India Shelter Finance Corporation Limited, Through Authorized Signatory Sh. Vinay Rana, Age - 35 Years, Having Registered Office At 6Th Floor, Plot No. 15, Institutional Area, Sector-44, Gurugram, Haryana-122002.

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Home, Government Secretariat, Jaipur, Rajasthan.
2. Superintendent Of Police, Hanumangarh, Office Of The Superintendent Of Police Hanumangarh, Rajasthan.
3. Station House Officer, Police Station, Goluwala, Hanumangarh, Rajasthan.
4. Mrs. Bhuri Devi W/o Mr. Mahendra Kumar, Address - Ward No. 8, Ambedkar Chok, Goluwala Nivadan, 24 Jrk, Near Ramdev Ji Mandir, Hanumangarh-1, Rajasthan-335802. Also At - Mrs. Bhuri Devi W/o Mr. Mahendra Kumar, Address - Plot No Nil, Patta No. 34, Book No 69, Goluwala Niwadan, Teh. Pilibanga, Hanumangarh, Rajasthan-335802.
5. Mr. Deen Dayal S/o Mr. Mahendra Singh, Address - Ward No. 8, Ambedkar Chok, Goluwala Nivadan, 24 Jrk, Near Ramdev Ji Mandir, Hanumangarh-1, Rajasthan-335802. Also At - Mr. Deen Dayal S/o Mr. Mahendra Singh, Address - Plot No Nil, Patta No. 34, Book No 69, Goluwala Niwadan, Teh. Pilibanga, Hanumangarh, Rajasthan-335802.

-----Respondents

For Petitioner(s) : Mr. Arpit Mehta

For Respondent(s) :

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT
Order

08/05/2026

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. **"All that part and parcel of situated at Plot No Nil, Patta No 34, Book No 69, Goluwala Niwadan, Teh. Pilibanga, Dist. Hanumangarh,***

Rajasthan-335802, (Area 2964 Sq ft), Bounded By: East-Rasta, West- Leelu Ram & Devsi Ram, North- Surender Kumar, South- Indraaj" which was in physical possession of the Petitioner 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, same 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 27.10.2025.

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, Hanumangarh and SHO, Police Station Goluwala, Hanumangarh 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 Superintendent of Police, Hanumangarh and SHO, Police Station Goluwala, Hanumangarh 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 27.10.2025.

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, Hanumangarh and SHO, Police Station Goluwala, Hanumangarh 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, Hanumangarh and SHO, Police Station Goluwala, Hanumangarh 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, Hanumangarh and SHO, Police Station Goluwala, Hanumangarh 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.

(MUKESH RAJPUROHIT),J

49-mSingh/-