

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 2750/2026

AU Small Finance Bank Limited, Office- AU Centre, 3rd Floor,
Sunny Trade Centre, New Atish Market, Jaipur, Rajasthan
302020, Through Authorized Officer Shri Man Singh Meena

-----Petitioner

Versus

1. State Of Rajasthan, Through Additional Chief Secretary,
Department Of Home, Secretariat, Jaipur.
2. The Superintendent Of Police (SP), Kotputli-Behror,
Rajasthan.
3. The Station House Officer (SHO), Police Station Pragpura,
District Kotputli-Behror, Rajasthan
4. Choudhary Bricks Company, Through Prop. Mahesh
Kumar Jat Of Address, Kalya Ki Dhani, Khasra No 2468,
Jaipur, Rajasthan 303110.
5. Sunil Dhankar S/o Kailash Dhankar, Resident Of Dhani
Kalya Ki, Bhankari Rajnauta, Jaipur, Rajasthan - 303110.
6. Smt. Saroj Devi W/o Mahesh Dhankar, Resident Of Dhani
Kalya Ki, Bhankari Rajnauta, Jaipur, Rajasthan 303110.
7. Prabhat Jat S/o Kalu Ram Jat, Resident Of Dhani Kalya Ki,
Bhankari Rajnauta, Jaipur, Rajasthan-303110.

-----Respondents

For Petitioner(s)	:	Mr. Puneet Chahar
For Respondent(s)	:	Ms. Sunita Meena with Ms. Devakriti Vashishtha for Mr. Bhunesh Sharma, AAG Mr. B.L. Dhakad

HON'BLE MR. JUSTICE ANUROOP SINGHI
Order

23/02/2026

1. The present petition has been filed by the petitioner seeking
following prayers:-

*"It is, therefore, humbly prayed that your Lordships
may very graciously be pleased to accept and allow the
writ petition by way of:-*

I. Issue of a Writ in the nature of Mandamus for directing the Respondent Nos. 2 and 3 to forthwith take possession of the secured asset bearing address Khasra No 595/0.80, Village -Dadakabas, Dist- Jaipur, Rajasthan Admeasuring 1083.32 Sq. yrds and restore back the possession to the Petitioner Bank in accordance with law.

II. Issue of a Writ in the nature of Mandamus for directing the Respondent Nos. 2 and 3 to take up strict and stringent criminal case/proceedings against the respondent Nos. 5 to 7 and every member of unlawful assembly responsible the crime in the given facts and circumstances of the case and especially in response to the Complaint filed by the Petitioner- Bank i.e. Annexure 5.

III. Issue an appropriate Writ or order to declare that the Respondent Nos. 4 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 Nos. 2 and 3 need to honor the order dated 20.07.2024 passed by the Ld. CJM, Jaipur District, under section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002; and/or

IV. Issue a Writ in the nature of Mandamus thereby directing the Respondent Nos. 2 and 3 to consider the Complaint dated 27.11.2025 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

V. Appropriate compensation with regard to the forcible possession taken by the respondent Nos. 4 to 7 may also be awarded in favour of the Petitioner Bank.

VI. Any other order or direction which this Hon'ble Court may deems fit and appropriate in the facts and circumstances of the case may also be passed in favor of humble petitioner."

2. Learned counsel for the petitioner submits that the petitioner – Bank had granted loan to the respondent No.4 through respondents No. 5 to 7 and an equitable mortgage was created in respect of the immovable property situated at Khasra No 595/0.80, Village Dadakabas, District Jaipur, admeasuring 1083.32 sq. yds. Upon failure of the borrowers to adhere to the repayment schedule, the loan account was declared as Non-Performing Asset (NPA) on 09.04.2024 and proceedings under the Securitisation And Reconstruction Of Financial Assets And Enforcement Of Security Interest Act, 2002 (hereinafter referred as '**the Act of 2002**') were initiated. After issuance of notice under Section 13(2) and completion of statutory formalities, the petitioner approached the Court of learned Chief Judicial Magistrate, Jaipur District under Section 14 of the Act of 2002. Vide order dated 29.07.2024, police assistance was granted and pursuant thereto, the petitioner-Bank obtained physical possession of the secured asset on 26.06.2025. It is further submitted that subsequently respondent No. 5 to 7 forcibly broke open the locks and unlawfully re-entered the secured asset, thereby dispossessing the petitioner-Bank. A written complaint dated 27.11.2025 was submitted to respondent No. 2 and respondent No. 3, however, no effective action has been taken till date for restoration of possession.

3. In support of his contentions, learned counsel for the petitioner submits that the controversy involved in the present writ petition is no longer res integra and has already been been duly considered and decided by this Court in catena of matters. Reliance has been placed upon the judgment rendered in **S.B. Civil Writ Petition No.8983/2022**, titled as **Atma Ram**

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decided on 21.01.2025, along with seven other connected matters. Further reliance has been placed on the orders passed in ***S.B. Civil Writ Petition No.12166/2025*** titled as ***Capri Global Capital Ltd. Vs. Superintendent of Police, Dausa & Ors.,*** decided on 13.10.2025; ***S.B. Civil Writ Petition No.17132/2025*** titled as ***Aavas Financiers Limited Vs. State of Rajasthan & Ors.,*** decided on 19.11.2025; ***S.B. Civil Writ Petition No.12527/2025*** titled as ***AU Small Finance Bank Limited Vs. The Superintendent of Police, Bundi & Ors.,*** decided on 29.08.2025; and ***S.B. Civil Writ Petition No.5243/2025*** titled as ***Ummeed Housing Finance Pvt. Ltd. Vs. Smt. Dholi Devi Meena & Ors.,*** along with other connected matters decided on 15.04.2025.

4. Heard learned counsel for the petitioner and perused the material available on record.

5. The Co-ordinate Bench of this Court at Principal Seat at Jodhpur in the case of ***Atma Ram Bishnoi (supra)*** has taken a serious note of the identical situation and has passed the following order:-

"The facts narrated above clearly show that the respondent No.1 had taken loan from the petitioner and in the process, he had mortgaged his property for securing the loan amount. It is also clear that the respondent No.1 had not repaid the loan amount, therefore, the proceedings under the Act of 2002 were initiated against him. 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.1, the respondent No.1 through his muscle power has forcibly taken over possession of the mortgaged property and has been

enjoying the same without repayment of the loan amount due to the petitioner. The petitioner in these circumstances approached the respondent No.2-Superintendent of Police, Sri Ganganagar and respondent No.4-District Collector, Sri Ganganagar by way of filing appropriate representations as per the Rules for securing possession of the mortgaged property.

It is informed that till date, the possession of mortgaged property has not been restored to the petitioner bank. The State functionaries are under an obligation to restore rule of law. If the petitioner is not allowed to take possession of the mortgaged property, it will amount to a clear case of defiance of rule of law and therefore, the respondents Nos.2 and 4 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.

This Court is surprised that on one hand, a person had taken loan and when the same was not repaid, the possession of the mortgaged property was taken over by the petitioner bank as per law but by sheer muscle power, the petitioner bank has been dislodged and possession of the mortgaged property has been forcibly taken over by the respondent No.1 and despite having represented to the law enforcing officer, nothing has been done to uphold majesty of law till date. The situation is alarming and the State functionaries are warned that if they do not act in such a situation, it will create lawlessness in the State of Rajasthan which will be viewed very seriously by this Court. Therefore, this court is of the view that stern action should be taken against the respondent No.1 for restoring possession of the mortgaged property immediately to the petitioner.

In view of the discussion made above, the writ petition merits acceptance and therefore, the same is allowed. The respondent No.2 District Collector, Sri Ganganagar and respondent No.4-Superintendent of Police, Sri Ganganagar 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."

6. Since the controversy involved in the present writ petition is similar in nature, where the petitioner-Bank had already taken possession of the secured asset pursuant to an order passed under Section 14 of the Act of 2002 and thereafter was dispossessed by forcible re-entry, this Court finds no valid reason to take a different view.

7. Accordingly, the writ petition stands disposed of by issuing directions to respondent No. 2 and respondent No. 3 to take all necessary steps for restoration of possession of the secured asset to the petitioner-Bank in accordance with law, preferably within a period of four weeks from the date of receipt of a certified copy of this order.

8. With the above directions, the writ petition stands disposed of.

9. Pending application(s), if any, stands disposed of

(ANUROOP SINGHI),J