HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 3877/2026

Au Small Finance Bank Limited, (Erstwhile Au Financiers India Limited) Having Its Registered Office At 19-A, Dhuleshwar Garden, Ajmer Road, Jaipur Through Its Authorized Officer.

----Petitioner

Versus

1. The Superintendent Of Police, Ajmer, Rajasthan.
2. District Magistrate And District Collector, District - Ajmer, Rajasthan.
3. Station House Officer, Nasi Sadar, District Ajmer, Rajasthan.
4. Jivraj S/o Ukar Gujar Rasulpura, Kali Mai Mohalla, District Ajmer,rajasthan. (Borrower)
5. Smt. Kamla W/o Ukar Gujar, Mataji Ka Mandir Ke Pass, Rasoolpura Jharwasa Ajmer, Nasirabad, Rajasthan. (Co-Borrower)

----Respondents

For Petitioner(s)	:	Mr. Ravi Kumar Palsaniya Mr. Vikash Meena
For Respondent(s)	:	Ms. Devakriti Vashishtha and Ms. Sunita Meena for Mr. Bhuwnesh Sharma, AAG

HON'BLE MR. JUSTICE ANUROOP SINGHI

<u>Order</u>

<u>27/02/2026</u>

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

> *"It is, therefore, most humbly prayed that your Lordships; may graciously be pleased to admit and allow this writ petition and by an appropriate order or direction:-*
> *i. Issue an appropriate writ order or directions to the Respondent No. 1, 2 & 3 to restore the physical*

*possession of the secured assets in favor of the petitioner bank immediately without any further delay in light of the judgment passed by the Hon'ble Rajasthan High Court in the matter titled "**Atma Ram Bishnoi vs. AU Small Finance Bank".***

ii. Issue appropriate directions to Respondent No. 1 to register appropriate criminal case/proceedings against the Respondent No. 4 & 5 in the aforesaid facts and circumstances in response to the Complaint submitted by the petitioner bank.

iii. Any other order or direction as this Hon'ble High Court may deem fair and proper be also passed in favor of the Petitioner Bank."

2. Learned counsel for the petitioner submits that the private respondents borrowed a loan from the petitioner – Bank and created equitable mortgage of an immovable property situated at patta No. 25, Gram Panchayat Jaduvasa, District Ajmer, owned by Smt. Kamla, in favour of the petitioner – Bank and after making defaults in the payment of installments of the same, their bank accounts were declared as Non-Performing Assets (NPA) and, thereafter the proceedings under Section 14 of the Securitisation And Reconstruction Of Financial Assets And Enforcement Of Security Interest Act, 2002 (hereinafter referred as **'the Act of 2002'**) were initiated against the private respondents. The aforesaid proceedings culminated to issuance of lawful possession by the petitioner-Bank for securing the loan amount. The learned District Magistrate, Ajmer, vide order dated 14.02.2022 authorized the police officials to help the petitioner-Bank to take possession of the mortgaged property. On 24.05.2022, the petitioner – Bank got the possession of the property and after locking and sealing the property, it deputed security guard for security of the property. However, after few days, the private respondents have taken

unlawful possession of the mortgaged property by breaking the locks which was put by the petitioner-Bank, for which a complaint dated 04.04.2024 has been submitted to Station House Officer, Police Station, Naseerabad, District Ajmer, but inspite passing of considerable time, no effective steps were taken by the Police for restoration of the possession, hence, under these circumstances, the present writ petition is has been filed by the petitioner-Bank.

3. In support of his contentions, learned counsel for the petitioner has placed reliance upon the judgment passed by the Co-ordinate Bench of this Court at Principal Seat at Jodhpur in the case of ***Atma Ram Bishnoi & Another Vs. District Collector & Others, S.B. Criminal Writ petition No.8983/2022*** and other connected matters on 21.01.2025 and ***AU Small Finance Bank Limited Vs. The Superintendent of Police and Ors., S.B. Civil Writ Petition No. 11299/2025*** dated 28.10.2025.

4. Heard learned counsel for the petitioner and considered the submissions made by learned counsel for the petitioner.

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 this writ petition is identical and similar to the case of ***Atma Ram Bishnoi (supra)*** *and* ***AU Small Finance Bank Ltd. (supra)***, this Court finds no valid reason to take a different view.

7. Accordingly, the writ petition stands disposed of by issuing directions to the respondents No.1, 2 and 3 to take all possible endeavours to restore the possession of the mortgaged property to the petitioner-Bank in accordance with law preferably within a period of six weeks from the date of receipt of the 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

JAYANT KUMAR /21