

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 20556/2019
URN: CW / 38563U / 2019

Union Bank of India

-----Petitioner

Versus

Inspector General Of Police and Ors.

-----Respondents

Connected With

S.B. Civil Writ Petition No. 11063/2019
URN: CW / 20393U / 2019

Smt. Rajkumari W/o Late Shri Vijaypal Singh and Ors.

-----Petitioners

Versus

Smt. Santosh Choudhary W/o Late Shri Vijaypal Singh and Ors.

-----Respondents

For Petitioner(s)	:	Ms. Anita Agarwal Mr. Laxmikant Mr. Vibhanshu Sharma
For Respondent(s)	:	Ms. Sunita Meena, AGC for Mr. Bhunesh Sharma, AAG

HON'BLE MR. JUSTICE ANAND SHARMA
Order

08/07/2026

1. It is stated that pursuant to proceedings undertaken by the petitioner-Bank under the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "SARFAESI Act"), an application under Section 14 was filed before the District Collector & District Magistrate, Bharatput for ensuring possession of the secured asset which was mortgaged by the borrower with the petitioners, who is a secured creditor in the instant case. It is further submitted that while passing the order dated 07.02.2019, District Collector & District Magistrate, Bharatpur, directed the police authorities to

provide assistance to the petitioner to get possession of the secured assets.

2. Thereupon, in quite strange manner and without there being any authority of law as well as in ignorance of Section 14(1A) of the SARFAESI Act, a letter was written by the Superintendent of Police, Bharatpur, to the Authorized Officer of petitioner-Bank showing his inability to provide police assistance on the ground that one criminal case was lodged against the borrower.

3. While examining the said letter, the Coordinate Bench of this Court vide order dated 12.04.2022 has observed as under:-

“Learned Additional Government Counsel-Ms. Sunita Satyarthi appearing for the respondent-State submitted that the criminal case is pending against the borrower and as such there is a dispute due to which the Police Authorities were not able to provide assistance for getting the possession of mortgaged property.

This Court is afraid to accept the submission of learned Additional Government counsel that due to only registration of a criminal case, the order passed by the District Collector under Section 14 will not be implemented.

Learned Additional Government Counsel submitted that sometime may be granted to give necessary direction to the Authorities concerned to carry out the order and she will inform on the next date of hearing as what action has been taken by the Superintendent of Police, Bharatpur.”

4. On 12.04.2022, time was sought by learned Additional Government Counsel to get instructions from the concerned authority so as to carry out the order passed by the District Magistrate.

5. More than four years have lapsed since then, till date nothing has been placed on record in compliance of the order dated 12.04.2022.

6. Today learned counsel for respondents-State sought time to seek instructions, which is nothing but to undermine the authority of this Court and defy the order dated 12.04.2022.

7. Under these circumstances, this Court directs Superintendent of Police, Bharatpur, to remain personally present before this Court on the next date of hearing to explain his conduct and authority of law to defy the order passed by the Competent Court.

8. It is made clear that in case order dated 07.02.2019 is carried out by the respondent-Police Authorities before the next date, Superintendent of Police, Bharatpur, is not required to remain present before this Court.

9. Let the matter be listed on 23.07.2026.

(ANAND SHARMA),J