

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 20556/2019

Union Bank Of India

-----Petitioner

Versus

Inspector General Of Police

-----Respondent

For Petitioner(s)	:	Ms. Anita Agarwal, Adv. with Mr. Laxmikant, Adv.
For Respondent(s)	:	Ms. Sunita Satyarthi, Additional Government Counsel

HON'BLE MR. JUSTICE ASHOK KUMAR GAUR

Order

12/04/2022

Learned counsel for the petitioner submitted that the order dated 07.02.2019 was passed by the District Collector on an application filed by the petitioner-Bank under Section 14 of the SARFAESI Act 2002.

Learned counsel for the petitioner submitted that for handing over the possession of the mortgaged property, direction was given to the Superintendent of Police, Bharatpur to assist the petitioner-Bank by taking necessary charges and to provide Police assistance.

Learned counsel for the petitioner submitted that the impugned order dated 15.05.2019 has been issued by Superintendent of Police, Bharatpur informing the petitioner-Bank that since Criminal Case No.481/2018 under Sections 420, 406, 467, 468, 471 & 120B IPC is pending in the Police Station Mathuragate and as such no Police assistance can be provided.

Learned counsel for the petitioner submitted that there is no stay order on the order dated 07.02.2019 passed by the District Collector and as such, the petitioner is entitled to regain the possession of the mortgaged property and Superintendent of Police, Bharatpur is required to provide assistance.

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 some time 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.

Learned Additional Government Counsel may seek necessary instructions.

List this case again on 20.04.2022.

(ASHOK KUMAR GAUR),J