

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 20082/2025

Indian Bank

-----Petitioner

Versus

Superintendent Of Police

-----Respondent

For Petitioner(s) : Mr. Mohit Khandelwal

For Respondent(s) :

HON'BLE MR. JUSTICE MANEESH SHARMA
Order

20/01/2026

1. By way of the present writ petition, the petitioner seeks restoration of possession of the property disputed in paragraph 3 of the writ petition, along with appropriate action against respondents Nos. 4 to 10.

2. Learned counsel for the petitioner submits that the petitioner-Bank sanctioned credit facilities in favour of Respondent No. 4, which were classified as a Non-Performing Asset (NPA) due to irregular deposits. Consequently, the petitioner-Bank initiated proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act). Learned counsel further submits that initially, due to hindrance caused by Respondents Nos. 4 to 10, physical possession of the disputed property could not be secured. However, pursuant to an order dated 28.02.2024 passed by Respondent No. 3 under Section 14 of the SARFAESI Act, the petitioner-Bank took physical possession of the secured asset. It is further submitted that subsequent to the Bank taking possession,

Respondents Nos. 4 to 10 deliberately and intentionally trespassed upon the property without any authority of law. To the petitioner's shock and dismay, on 13.06.2025, the said respondents accompanied by a mob of 30-40 persons broke the locks placed by the petitioner, forcibly entered the premises, and committed trespass. In response, the petitioner-Bank lodged FIR No. 247/2025 at Police Station Bandikui (Dausa) under Sections 331(1) and 351(2) of the Bharatiya Nyaya Sanhita, 2023. Learned counsel contends that the actions of the respondents in defying and nullifying a judicial order to take forcible possession are *per se* illegal. He prays for appropriate directions against the respondents in light of these facts. To buttress his contention, learned counsel places reliance on the judgment passed by this Court at the Principal Seat, Jodhpur, in ***Atma Ram & Anr. Vs. District Collector & Ors.***¹

3. Heard.

4. In view of the submissions made hereinabove, issue notice to the respondents.

5. Notices be filed in two sets. Upon filing the same, one set be sent by ordinary post and another by registered post, returnable within one week.

6. Additionally, learned counsel for the petitioner is directed to supply a copy of the writ petition, along with annexures, to the office of Mr. Bhwnesh Sharma, learned Additional Advocate General, during the course of the day.

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7. Notices be given '*dasti*' to the learned counsel for the petitioner.

8. List the matter on 27.01.2026 under the category of '*For Fresh Admission With Stay*'.

(MANEESH SHARMA),J

Seema/35