RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 23767/2026
CNR: RJHC010985232026 | URN: CW / 40969U / 2026

Rajasthan High Court
सत्यमेव जयते
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Cholamandalam Investment And Finance Company Ltd., Having Its Registered Office Chola Crest, C54-55 And Super B-4, Thiru Vi Ka Industrial Estate, Guindy, Chennai 600032 And Branch Office At 1St Floor Plot No 8 To 11 And 74 To 78, Bikaner Road, Opposite Krishi Upaj Mandi Nagaura 341001 Rajasthan Through Authorized Signatory Sh. Vishnu Sharma Age 32 Years.

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Home Government Secretary, Jaipur Rajasthan.
2. The Superintendent of Police, Nagaur, Office of the Superintendent of Police Nagaur Rajasthan.
3. Station House Officer, Police Station Sadar, District Nagaur Rajasthan.
4. Kaluram Tatan Lal S/o Ratan Lal, R/o Bargaon, Bargangaon, Shiv Mandir Ke Pass, Tehsil And District Nagaur 341021 Rajasthan. Also At Patta No 49, Book No 145, Gram Barnganv, Gram Panchayat Brangaon P.s. Nagaur Barangaon Barangaon, Nagaur 341021 Rajasthan.
5. Ompraksh Lal @ Omprakash Ratan Ram S/o Ratan Ram, R/o Bargaon, Bargangaon, Shiv Mandir Ke Pass, Tehsil And District Nagaur 341021 Rajasthan. Also At Patta No 49, Book No 145, Gram Barnganv, Gram Panchayat Brangaon P.s. Nagaur Barangaon Barangaon, Nagaur 341021 Rajasthan.
6. Sanju Omprakash W/o Omprakash, R/o Bargaon, Bargangaon, Shiv Mandir Ke Pass, Tehsil And District Nagaur 341021 Rajasthan. Also At Patta No 49, Book No 145, Gram Barnganv, Gram Panchayat Brangaon P.s. Nagaur Barangaon Barangaon, Nagaur 341021 Rajasthan.

----Respondents

For Petitioner(s) : Mr. Arpit Mehta

HON'BLE DR. JUSTICE NUPUR BHATI

Order

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03/10/2026

1. The instant writ petition has been filed by the petitioner under Article 226 of the Constitution of India seeking the following reliefs:-

> "Therefore, most humbly prayed that respondent no. 2 and 3 be directed to forthwith remove trespassers from the property viz. *"All that piece and parcel of residential property total area of 1860 Sq. Ft., Patta No. 49, Book no.145, Situated at Village-Barnganv, Panchayat Samiti and Dist.-Nagaur, Rajasthan-341021"* Which was in physical possession of the petitioner company and to take further steps in handing over the vacant and physical possession of the said property to the Authorized Officer of the petitioner company in time bound manner. Any other appropriate order or direction which the Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. Learned counsel for the petitioner, at the outset, submits that he has filed application (No.01/2026) seeking correction of the cause title of the instant writ petition, wherein, respondent No.2, namely, the Superintendent of Police, Nagaur, Office of the Superintendent of Police, Nagaur, Rajasthan, has inadvertently been mentioned as **"The Superintendent of Police, Sri Ganganagar, Office of the Superintendent of Police, Sri Ganganagar, Rajasthan"** and likewise, respondent No.3, namely, the Station House Officer, Police Station Sadar, District Nagaur, Rajasthan, has inadvertently been menitoned as **"Station House Officer, Police Station Gajsinghpur, District Sri Ganganagar, Rajasthan."** He further submits that an amended cause title has also been placed on record.

3. For the reasons stated in the application (No.01/2026), the same is allowed. The cause title of the writ petition stands corrected accordingly.

4. Learned counsel for the petitioner submits that the petitioner is a Bank and it had granted loan to the respondent No.4 to 6.

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Since the loan amount was not repaid by the respondent No.4 to 6, therefore, he was declared as NPA and the proceedings under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act of 2002') were initiated by the petitioner- Bank under the Act of 2002, possession of the mortgaged property was taken over by the petitioner- Bank with the aid of police on 06.08.2026.

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5. Learned counsel for the petitioner submitted that the respondent No.4 to 6 after the possession of the mortgaged property being taken over by the petitioner- Bank, forcibly entered the mortgaged property by breaking in. It was submitted that act and inaction of the respondent No.4 to 6 is nothing but tantamount to be an assault on the rule of law. He submits that in the circumstances, the petitioner- Bank approached the Superintendent of Police, Nagaur and SHO, Police Station Sadar District Nagaur for restoring the possession of the mortgaged property but till date, no action has been taken by them.

6. Learned counsel further submitted that it is a sorry state of affairs that despite repeated requests by the petitioner- Bank to take action in the matter, the police authorities are rather silent in the matter by not taking any action pursuant to the complaint registered by the petitioner – Bank. Learned counsel thus prayed that the District Superintendent of Police, Nagaur and SHO, Police Station Sadar District Nagaur may be directed to act upon the applications/ representations filed by the petitioner for securing the possession of the property mortgaged by it particularly keeping in view the fact that the property in dispute already was taken over by the petitioner – Bank with police aid on 06.08.2026.

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7. Heard learned counsel for the petitioner. Perused the material available on record.

8. Having considered the facts and circumstances of the case, this Court deems it just and appropriate to dispose of the present writ petition with a direction to the Superintendent of Police, Nagaur and SHO, Police Station Sadar District Nagaur to act immediately take appropriate action for restoring the possession of the mortgaged property to the bank, in accordance with law. This Court is compelled to observe that if the petitioner is not allowed to take possession of the said property, it will amount to clear case of defiance of law and, therefore, the Superintendent of Police, Nagaur and SHO, Police Station Sadar District Nagaur are under an obligation to act in consonance with the provisions of law for restoring the possession of the petitioner in the circumstance since the petitioner has already approached them.

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9. It is expected from the Superintendent of Police, Nagaur and SHO, Police Station Sadar District Nagaur that appropriate action for restoring the possession of the mortgaged property in favour of the petitioner- Bank shall be taken by them within a period of fifteen days from the date of receipt of certified copy of this order.

10. With the aforesaid directions, the present writ petition stands disposed of.

(DR.NUPUR BHATI),J

12/Devesh Thanvi

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