



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Civil Writ Petition No. 24073/2026
CNR: RJHC010978492026 | URN: CW / 41564U / 2026

Ummeed Housing Finance Private Limited, Reg. Office At Office No 2009-2014, 20Th Floor, Magunm Global Par, Sector 58, Gurgaon, Haryana 122011 Through The Authorized Officer Mr. Jai Sharma Branch Office At 3Rd Floor Axis Mall, Bhagwan Das Road, C-Scheme, Jaipur Rajasthan. 302001.

-----Petitioner

Versus

1. Superintendent Of Police, Bhilwara Rajasthan.
2. Station House Officer, Police Station Banera District Bhilwara Rajasthan.
3. Mr. Dinesh S/o Shri Mahaveer Dass, Resident Of Mushi, Tehsil Baneda, Bhilwara Rajasthan. 311408.
4. Mrs. Bhagti W/o Shri Mahaveer Dass, Resident At Bhagwanpura Mushi, Tehsil Baneda, Bhilwara Rajasthan. 311408.
5. Mr, Chhotu Das S/o Shri Ramniwas Das, Resident At Bhagwanpura Mushi, Tehsil Baneda, Bhilwara Rajasthan. 311408.

-----Respondents

For Petitioner(s) : Mr. Akshay Khandelwal (through VC)
with Mr. Rajdeep Singh Chouhan.

HON'BLE DR. JUSTICE NUPUR BHATI

Order

01/10/2026

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

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(a) The possession of the secured/mortgaged, property mentioned in para no. 2 of the present Writ Petition be restored back to the petitioner without charging any further police fee/cost.



(b) The respondent Nos. 1 & 2 may be directed to take possession from the respondents no. 3, 4 & 5 and restore back the possession to the petitioner. That the respondent Nos. 1 & 2 be further directed to register appropriate criminal case/proceedings against the Respondent No. 3, 4 & 5 and person name in the criminal complaint submitted by the petitioner.

(c) Heavy cost may be ordered against the Respondent No. 3, 4 & 5 in the facts and circumstances of the case and the said cost may be directed to be given to the petitioner-Bank.

(d) Appropriate compensation with regard to the forcible possession taken by the Respondent No. 3, 4 & 5 may also be awarded in favor of petitioner."

2. Counsel for the petitioner submits that in similar controversy, the Coordinate Bench of this Court, vide order dated 06.04.2026, passed in "**SBCWP No.7562/2026 : Motilal Oswal v. State of Rajasthan & Ors.**", has allowed the writ petition while directing respondents to act immediately for restoring possession of the mortgaged property to the bank in accordance with law.

3. Counsel for the petitioner submits that the petitioner is a housing finance company duly registered with the National Housing Bank. He submits that the petitioner had advanced a loan of Rs.4,00,000 to respondents Nos.3, 4 and 5 against the mortgage of a property situated at Gram Bhagwanpura, Gram Panchayat Munshi, Panchayat Samiti Banera, Tehsil Banera, District Bhilwara. He further submits that the loan account became irregular and was ultimately classified as a Non-Performing Asset on 03.01.2025. Thereafter, a demand notice dated 08.01.2025 was issued to the borrower and the co-borrowers under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (the 'SARFAESI Act'). Despite service of the demand notice, the borrower and the co-borrowers failed to discharge their liability within the statutory





period prescribed under Section 13(2) of the SARFAESI Act. Consequently, the petitioner was constrained to initiate measures under Section 13(4) of the SARFAESI Act and to seek assistance under Section 14 thereof for taking over physical possession of the mortgaged property. He submits that vide order dated 13.10.2025, the Chief Judicial Magistrate, Bhilwara, directed that adequate police assistance be provided to the petitioner for taking over possession of the mortgaged property. Pursuant thereto, the petitioner took physical possession of the property on 20.05.2026, affixed a seal and lock thereon, and displayed a banner declaring the petitioner's possession, however, thereafter, respondents Nos.3, 4 and 5, along with certain other persons, allegedly broke open the lock of the mortgaged property. Consequently, the petitioner submitted a complaint dated 30.05.2026 to the Station House Officer, Police Station Banera, and the Superintendent of Police, Bhilwara, however, till date, no action has been taken on the said complaint. Learned counsel for the petitioner, therefore, prays that the official respondents may be directed to take appropriate action on the complaint/application/representation submitted by the petitioner and to secure its possession over the property mortgaged in its favour.

4. I have heard and considered the submissions advanced at Bar and have gone through the relevant record of the case.

5. The facts narrated above clearly show that the respondents Nos.3, 4 and 5 had taken loan from the petitioner and in the process, they had mortgaged their property for securing the loan amount. It is also clear that the respondents Nos.3, 4 and 5 had not repaid the loan amount, therefore, the proceedings under the



SARFAESI Act, were initiated against them. 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 respondents Nos.3, 4 and 5, the respondents Nos.3, 4 and 5 have forcibly taken over possession of the mortgaged property and have been enjoying the same without any repayment of the loan amount due to the petitioner. The petitioner, being aggrieved by the aforementioned circumstances, approached the respondent Superintendent of Police, Bhilwara and the SHO Police Station Baneda, District Bhilwara, by way of filing appropriate representations as per the Rules for securing possession of the mortgaged property.

6. It is submitted by counsel for the petitioner that till date, the possession of mortgaged property has not been restored to the petitioner-housing finance company and if the petitioner is not allowed to take possession of the mortgaged property back, it will amount to a clear case of defiance of rule of law and therefore, the respondents Nos.1 and 2 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.

7. In view of the discussion made above, the writ petition merits acceptance and therefore, the same is allowed.

8. The respondent No.1 – Superintendent of Police, Bhilwara Rajasthan and the respondent No.2 – Station House Officer, Police Station Banera District Bhilwara Rajasthan, are directed to act



immediately for restoring possession of the mortgaged property to the bank in accordance with law.

9. 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.

10. Stay application as well as all other pending applications, if any, stand disposed of.

(DR.NUPUR BHATI),J

33/Devesh Thanvi