



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>WPMS/616/2026</u></p> <p>Anita Sarkar and another --Petitioners</p> <p style="text-align: center;">Versus</p> <p>Officer In Charge and others --Respondents</p> <p><u>Hon'ble Manoj Kumar Tiwari, J.</u></p> <p>Mr. Saurabh Kumar Pandey, Advocate for the petitioners.</p> <p>Mr. Suyash Pant, Standing Counsel for the State.</p> <p>Mr. Siddharth Jain, Advocate for respondent No. 2.</p> <p>2. Petitioner took a loan of Rs. 10.00 lakh from India Shelter Finance Corporation Limited in the year 2018. Since there was some default in repayment of the loan, therefore lending institution initiated proceedings under SARFAESI Act.</p> <p>3. By means of this writ petition, petitioners have sought the following reliefs:</p> <p>“A. Issue a writ, order or direction in the nature of Certiorari quashing and setting aside the impugned order dated 21/08/2025 passed by the Ld. District Magistrate, Nainital in Case No. 93/2024, filed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 as well as impugned possession notice dated 9.3.2026 issued by respondent finance corporation (Annexure no 1)</p> <p>B. Issue a writ, order or direction in the nature of Mandamus commanding the Respondent No. 1 (India Shelter Finance Corporation Ltd.) to consider and</p>



		<p>decide the petitioners' representation dated 10/10/2025 (Annexure no 2) for One-Time Settlement (OTS) in a fair, transparent, and time-bound manner, taking into account the petitioners' financial hardship caused by the COVID-19 pandemic and the RBI's advisory guidelines relating to borrower relief during that period.</p> <p>C. Issue a writ, order or direction in the nature of Mandamus or Prohibition restraining the Respondents Nos. 1 to 3, their officers, agents, or any person acting on their behalf, from taking any coercive or possession-related action against the petitioners' mortgaged residential property, or from initiating or proceeding with any sale, transfer, or auction thereof, until the disposal of the present writ petition or the petitioners' OTS request, whichever is earlier.”</p> <p>4. Learned counsel for the petitioners submits that in terms of order of this Court passed on 16.03.2026, petitioners have deposited the entire outstanding dues amounting to Rs. 17.00 lakh with the lending institution; however, their title deeds are not being returned. Learned counsel submits that petitioners continued to have possession over the secured asset, which was never taken by the lending institution or any other person acting on his behalf.</p> <p>5. Learned counsel for lending institution (respondent no. 2), however, submits that the secured asset mortgaged with the lending institution has been sold out in auction to respondent Nos. 5 and 6. He submits that respondent Nos. 5 and 6 have deposited the entire bid amount.</p>
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6. Having regard to the facts and circumstances of the case, this Court thinks that ends of justice would be met if petitioners are permitted to approach respondent No. 2 by making a representation. If they make representation within one week from today, decision thereupon shall be taken, as per law, within four weeks thereafter.

7. It goes without saying that respondent Nos. 5 and 6 shall also be given opportunity of hearing before passing any order on the representation of the petitioners.

(Manoj Kumar Tiwari, J.)

07.07.2026

Mahinder/