

Court No. - 3

Case :- WRIT - C No. - 29724 of 2023

Petitioner :- Naresh Chand Gupta

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Dheeraj Maheshwari, Indra Kumar Singh, Munna Lal

Counsel for Respondent :- C.S.C., Sanjai Singh

Hon'ble Siddhartha Varma, J.

Hon'ble Shekhar B. Saraf, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the State and Sri J.S. Pandey, learned counsel holding brief of Sri Sanjai Singh, learned counsel for the Bank.

2. Instructions filed by the learned counsel for the Bank in Court today be kept on record.

3. Present writ petition has been filed with the following prayers:

"(a) Issue a writ, order or direction in the nature of MANDAMUS commanding the respondents to deliver actual physical possession of the property or registered sale deed in favour of the petitioner of the "Plot No.427, Khasra No.81, Sewa Nagar, Meerut Road, Hindon Vihar Ghaziabad Area 200.00 Sqyd (167.22 Sqm).

(b) Issue a writ order or direction in the nature of mandamus commanding the respondent bank to register the sale deed in favour of the petitioner, if the concerned respondent unable to registered the sale deed in the favour of the petitioner, then return the money of the petitioner with interest of 18% from the date deposit till the actual payment is made."

4. Learned counsel for the Bank informs that borrower filed a Securitisation Application being SA No.272 of 2020. When no interim order was granted by the Debts Recovery Tribunal, the borrower went in appeal. He states that appellate court vide order dated 15.1.2021 directed the Debts Recovery Tribunal to decide the Securitisation Application.

5. Learned counsel for the petitioner states that neither the Securitisation Application is being decided nor the possession of the property is being handed over.

6. Having heard learned counsel for the petitioner, we are definitely of the view that if the petitioner is aggrieved by the fact that the possession of the property is not being handed over to the petitioner, he can approach the Debts Recovery Tribunal and move an application under the Securitisation Act.

7. We hope and trust that the said application shall be decided within a period of two months from the date of production of certified copy of this order.

8. With these observations, the writ petition stands disposed of.

Order Date :- 11.12.2023

Kuldeep

(Shekhar B. Saraf,J.)

(Siddhartha Varma, J.)