

Court No. - 3

Case :- WRIT - C No. - 33679 of 2023

Petitioner :- Smt. Rani Sharma And Another

Respondent :- Union Of India And 3 Others

Counsel for Petitioner :- Shyam Singh Somvanshi, Dinesh Kumar Dwivedi

Counsel for Respondent :- A.S.G.I., C.S.C., Jainendra Kumar Mishra

Hon'ble Siddhartha Varma, J.

Hon'ble Manoj Bajaj, J.

1. Supplementary affidavit filed today is taken on record.
2. The petitioners have filed this writ petition against possession notice dated 8.9.2023.
3. Learned counsel for the petitioners has argued that the amount as was being demanded from the petitioner was not payable by the petitioners and in that regard petitioner no. 1 also had filed a civil suit bearing Suit No. 44 of 2021.
4. Learned counsel for the Bank has, however, submitted that proceedings under the Securitization and Reconstruction of Financial Assets And Enforcement of Security Interest Act, 2002 (hereinafter referred to as the Securitization Act) had commenced and the petitioners, if were aggrieved with the proceedings, ought to have approached the forum as is provided under the Securitization Act. He submits that no interference be made by this Court.
5. Having heard learned counsel for the petitioners and the Bank, we are definitely of the view that if the petitioners are aggrieved by the proceedings initiated by the Bank then they may approach the appropriate forum as might have been provided under the Securitization Act.
6. In view of above, no interference is warranted under Article 226 of the Constitution of India. The writ petition is accordingly dismissed.

Order Date :- 17.10.2023/S.K.S.