

Court No. - 3

Case :- WRIT - C No. - 39016 of 2023

Petitioner :- Shoaib Qureshi

Respondent :- Aryavart Bank And 5 Others

Counsel for Petitioner :- Pankaj Dwivedi

Counsel for Respondent :- C.S.C.,Amrish Sahai

Hon'ble Siddhartha Varma,J.

Hon'ble Manoj Bajaj,J.

Learned counsel for petitioner states that since the plot in question, the possession of which was being taken over by the order dated 6.5.2022 passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 also contained the plot which the petitioner had purchased earlier and was not mortgaged. He prays that this Court may intervene and protect the interest of the petitioner.

From the record, we find that the possession of the house no. 39/320A was being taken over, whereas, the sale deed by which the petitioner had earlier purchased the property was a portion of plot no.39/318.

By perusing the sale deed and the order passed under Section 14 of the SARFAESI Act, 2002, it is not clear as to whether the possession of the same property was being taken over.

Under such circumstances, as disputed questions of facts are involved, no interference is warranted by this Court. Petitioner if is aggrieved by the possession, which is being taken over by the respondent bank, may approach the civil court.

The writ petition is accordingly, dismissed.

This order was passed in the presence of Sri Ramesh Kumar Shukla, learned counsel for respondent Bank.

Order Date :- 8.11.2023

P.S.Parihar