

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP (C) no. 1914/2026

CM no. 5146/2026

M/s Sultan Agro Tech Private Limited

.... Petitioner(s)

Through: Mr Hilal Noorani, Advocate

v.

The Jammu and Kashmir Bank Ltd and others

... Respondent(s)

Through: Mr Iman Abdul Muiz, Advocate

CORAM:

Hon'ble Ms Justice Moksha Khajuria Kazmi, Judge

ORDER

14.08.2026

1. By this writ petition, the petitioner seeks a writ of mandamus directing the respondent Bank to adhere to the settlement that is reached with the petitioner and the Bank concerning the primary mortgaged property.
2. It appears that the petitioner is aggrieved of, though not specifically pleaded anywhere in the writ petition, the action contemplated against her in terms of the provisions of the SARFAESI Act taking over the demised premises.
3. The learned counsel for the petitioner would submit that the petitioner and the Bank were in the process of settlement, probably in respect of the demised premises only, and the Bank without adhering to the terms of the such settlement have initiated the process of taking over the said premises. The learned counsel would submit further that the respondent Bank may be directed to adhere to the settlement that is reached between the parties in respect of the demised premises/ house.

4. There is nothing on the file to indicate as to what kind of dispute actually exists between the parties and what is the settlement that is being sought to be enforced by the medium of instant writ petition.
5. The learned counsel for the petitioner was given the option of withdrawing the writ petition for lacking details in respect of the existence of dispute, the process initiated in terms of the provisions of SARFAESI Act and the settlement sought to have been arrived at in respect of such dispute, however, the learned counsel insisted for consideration of the matter in absence of such vital details.
6. Learned counsel for the respondents submits that the petitioner had approached the Debt Recovery Tribunal, Chandigarh, to challenge the action initiated by the respondents in terms of the provisions of SARFAESI Act. The said petition was later on dismissed for non-prosecution and no restoration has been preferred by the petitioner in that behalf.
7. The petition does not provide the details of the dispute in the first instance. The court is unable to comprehend as to what constrained the petitioner to file the writ petition as nothing is emerging from the perusal of the file and its annexures.
8. Since, the writ petition does not disclose the cause of action, and the grievance sought to be redressed, therefore, it is dismissed in *limine* along with connected CMs at its threshold.

(Moksha Khajuria Kazmi)
Judge

Srinagar
14.08.2026
Mohammad Yaseen Dar, PS

Whether the order is speaking: Yes.