

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Civil Writ Petition No. 14922 of 2015(O&M)

Date of Decision: July 29 , 2015.

Johny Mathew and another

..... PETITIONER (s)

Versus

District Magistrate and others

..... RESPONDENT (s)

**CORAM:- HON'BLE MR.JUSTICE HEMANT GUPTA
HON'BLE MRS.JUSTICE LISA GILL**

Present: Petitioner in person.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reports or not?
3. Whether the judgment should be reported in the digest?

HEMANT GUPTA, J.

The petitioner in the present writ petition challenges order dated 09.06.2015 passed by the District Magistrate, Gurgaon. Earlier an application filed by the petitioner under Section 17 of the Securitization and Reconstruction of Financial and Enforcement of Security Interest Act, 2002 (for short, the 'Act') against the proceedings initiated by the Bank under the Act was dismissed on 08.11.2013 and as stated by the petitioner, an appeal was also dismissed.

Division Bench of this Court in CWP No.15921 of 2014 (M/s Punjab Chemicals Ltd. v. District Magistrate-cum-Deputy Commissioner, Ludhiana and others) decided on 12.08.2014 has examined the judgment of

Hon'ble Supreme Court in Harshad Govardhan Sondagar v. International Assets Reconstruction, 2014(6) SCC Page 1 to hold that an application under Section 17 of the Act is maintainable against an order passed by the District Magistrate.

In view the aforesaid judgment, we relegate the petitioner to seek his remedy before the Debt Recovery Tribunal in terms of Section 17 of the Act.

Disposed of.

(HEMANT GUPTA)
JUDGE

(LISA GILL)
JUDGE

July 29 , 2015.
'om'