

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.533 of 2015 (O&M)

DATE OF DECISION: 14.01.2015

Kulwinder Kaur and another

....Petitioners

versus

State of Punjab and others

.....Respondents

**CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. Sahil Kaushal, Advocate for the petitioners

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S.J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral) :

The petitioners have challenged the proceedings adopted by respondent No.3 i.e. Punjab National Bank under the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Act, 2002. The petitioners state that the respondent-bank has already attempted to take forcible possession of the property.

2. The petitioners claim to have a 1/18th undivided share in the property secured in favour of the bank. They further claim by inheritance a part of the share of another co-owner.

3. We see no reason to entertain the writ petition when the petitioners have an alternate remedy under the said Act. They must in the first instance avail the alternate remedy.

4. Only with a view to enable the petitioners to adopt the proceedings and to apply for interim relief therein, the respondents are directed not to dispossess the petitioners up to and including 31.01.2015.

In the meantime, however, the respondents shall be entitled to take symbolic possession. Further, the petitioners shall maintain status-quo in respect of their alleged share in the property in all respects. It is clarified that any application that the petitioners may make will be decided on its own merits without being influenced by this order in any manner whatsoever which has been passed only to enable the petitioners to adopt their alternate remedy.

5. Writ petition is accordingly disposed of.

**(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE**

14.01.2015
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**(AUGUSTINE GEORGE MASIH)
JUDGE**