

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Civil Writ Petition No.14201 of 2016

Date of decision: August 02, 2016

Lord Krishna Educational Society (Regd.)

....Petitioner

versus

State Bank of Patiala and another

...Respondents

***CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN***

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Suvir Sidhu, Advocate for the petitioner.

Mr. D.K. Singal, Advocate for the respondent-Bank.

AJAY KUMAR MITTAL, J. (Oral)

1. In this petition filed under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the possession notice dated 27.06.2016 (Annexure P-12) issued by respondent No.1.

2. The primary ground on the basis of which the possession notice dated 27.06.2016 (Annexure P-12) has been challenged is that in response to notice issued under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short the 'Act') dated 18.04.2016 (Annexure P-8), the petitioner had submitted a detailed representation/objection under Section 13(3A) of the Act but respondent No.1-Bank issued the impugned possession notice under Section 13(4) of the Act without deciding the representation/objection dated 18.06.2016 (Annexure P-11).

3. Notice of motion was issued on 21.07.2016 and in response thereto, an affidavit of Chief Manager/Authorized Officer, State Bank of

Patiala, Regional Office-I, Jalandhar has been filed in Court today. The same is taken on record, subject to all just exceptions.

4. In Para No.2 of the affidavit, it has been stated that the deponent has withdrawn the possession notices dated 27.06.2016 and 13.07.2016 and shall take further action after deciding the objections/representations dated 18.06.2016 filed by the borrower in pursuance to notice issued under Section 13(2) of the Act dated 18.04.2016.

5. Para No.2 of the affidavit reads as under:-

“That the deponent is withdrawing the possession notice dated 27.06.2016 and 13.07.2016 and would issue the same, if need be arisen, after deciding the objections/representations dated 18.06.2016 filed by the borrower in pursuance to the notice issued under Section 13(2) of the Securitization Act dated 18.04.2016.”

6. In view of the above, the present petition has been rendered infructuous and is disposed of as such.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

August 02, 2016
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Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No