

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Civil Writ Petition No.14337 of 2016
Date of decision: August 05, 2016

Anand Saggar and another

....Petitioners

versus

State of Punjab and others

...Respondents

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

Present: Mr. Atul Sharma, Advocate for the petitioners.

Mr. Alok Jain, Addl. A.G., Punjab.

AJAY KUMAR MITTAL, J. (Oral)

1. In the instant writ petition, the petitioners have prayed for issuance of a writ in the nature of certiorari for quashing the impugned order/instructions No.64487-94 dated 09.06.2016 passed by respondent No.2 (Annexure P-1) wherein the process as prescribed in the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'SARFAESI Act') and Security Interest (Enforcement Rules) 2002 has been superseded. Further prayer has also been made for issuance of direction to respondent No.3 not to proceed for possession of the property i.e. 52/7, Bagh Nauharia, Mall Jain Chowk Bharat Nagar, Ludhiana.

2. Learned counsel for the petitioners submitted that by virtue of order dated 12.11.2014 (Annexure P-4) issued under Section 14 of the SARFAESI Act and Security Interest (Enforcement Rules) 2002, the respondents are trying to take possession of the property i.e. 52/7, Bagh Nauharia, Mall Jain Chowk Bharat Nagar, Ludhiana which was never included in the mortgaged property. It was contended that the police had visited the said premises and required the petitioners to hand over the vacant possession of the said property.

3. Notice of motion was issued on 22.07.2016.
4. Learned State counsel has made a statement in Court that the action is being taken against the mortgaged property referred to in Annexure P-1 only and the possession of the property i.e. 52/7, Bagh Nauharia, Mall Jain Chowk Bharat Nagar, Ludhiana shall not be taken by the respondents.
5. In view of the above, the present writ petition has been rendered infructuous and is disposed of as such.

(AJAY KUMAR MITTAL)
JUDGE

August 05, 2016
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No