

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 14338 of 2016
Date of decision : 22.7.2016**

Vinod Kumar Gulati

.....Petitioner

v.

The Authorized Officer of the Bank and others

.....Respondents

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

Present : Mr. Rajnish K. Jindal, Advocate, for the petitioner

Ajay Kumar Mittal, J.

1. Prayer made in the petition is for issuance of writ of mandamus seeking directions to respondents No.1 and 2 to proceed against the secured asset/mortgage property of respondents No.3 and 4 to recover the outstanding loan. Further prayer made is for issuance of writ of certiorari for quashing the impugned possession notice dated 25.1.2016 (Annexure P-3) issued under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short "SARFAESI Act") while violating the mandatory requirement of service of notice under Section Section 13(2). It is also prayed that proceedings be stayed arising out of the impugned possession notice and the respondent bank be directed to restrain from dispossessing them.

2. After arguing for some time, learned counsel for the petitioner states that as the petitioner has alternative remedy by approaching the authority

concerned by way of filing objections, he may be allowed to withdraw the petition with liberty to take recourse to the remedy before the appropriate authority.

3. Dismissed as withdrawn.

4. However, it shall be open to the petitioner to take recourse to the remedy as may be available to him, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

22.7.2016
Ashwani