

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 18390 of 2015
Date of decision: 24.08.2016

Gurdev Singh and others

..petitioners

Vs.

State Bank of Patiala and Others

..respondents

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

Present: Mr. Aalok Jagga, Advocate for the petitioners.

Mr. Vikas Chatrath, Advocate for respondent No. 1.

Mr. Rajan Bansal, Advocate for respondent No. 3.

Mr. Pavan Malik, Advocate for respondent No. 4.

AJAY KUMAR MITTAL, J.(ORAL)

Learned counsel for the petitioners has approached this Court under Articles 226/227 of the Constitution of India seeking quashing of proclamation of sale dated 03.08.2015 (Annexure P-14) issued by respondent No. 2 whereby the property of the guarantors, who had expired, have been put to sale without any notice to their legal representatives and also without initiating any action against the principal borrower. It was stated that it is in complete contravention of Rule 53 of the second schedule to Income Tax Act 1961 as applicable to the present proceedings.

2. Learned counsel for the respondent-bank states that the sale notice dated 03.08.2015 (Annexure P-14) has become infructuous as the date fixed therein had already expired. It was further submitted that notice initiating

action for recovery from the petitioners has also become in-operative as the same was sought to be recovered without knowing that the principal borrower had expired and that no notice to the legal representatives of the principal borrower had been issued.

3. Learned counsel for the petitioners states that in view of the statement made by learned counsel for respondent-bank the writ petition has been rendered infructuous and the same may be disposed of as such.

4. It was urged by learned counsel for the respondent-bank that opportunity be granted to the respondent-bank to initiate recovery proceedings against the petitioners in accordance with law.

5. Disposed of as infructuous. Needless to say that respondent No. 2-bank would be at liberty to proceed for recovery of the loan amount against the petitioners in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

August 24, 2016
Poonam (II)

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No