

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-17831-2016

Date of decision: 30.08.2016

M/s Devinder Egg and General Store and another

..... Petitioners

Versus

Punjab and Sind Bank and another

..... Respondents

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

PRESENT: Mr. Mayank Sharma, Advocate for the petitioners.

AJAY KUMAR MITTAL, J. (ORAL)

1. The petitioners have approached this Court under Articles 226/227 of the Constitution of India, *inter alia* seeking quashing of impugned notice issued under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the SARFAESI Act') and notice dated 27.07.2016 (Annexure P-2) whereby the respondents have appointed Enforcement Agency to take possession of the mortgaged property. The challenge is also to the notice dated 17.08.2016 (Annexure P-3) whereby the possession of the mortgaged property has been ordered to be taken from the Field Kanungo, with the help of local police.

2. After hearing learned counsel for the petitioners and perusing the writ petition, we find that the petitioners have a remedy of filing its

objections under sub-section (3-A) of Section 13 of the SARFAESI Act, which the petitioners have not done so far. Once notice under Section 13(2) of the SARFAESI Act itself has not been objected to by filing objections under sub-section (3-A) of Section 13 of the SARFAESI Act, we do not find any justification to entertain this writ petition.

3. Dismissed.

**(AJAY KUMAR MITTAL)
JUDGE**

August 30, 2016
rishu

**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No