

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

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**Civil Writ Petition No.21455 of 2016
Date of Decision: October 17, 2016**

Kavita Rana

....Petitioner

versus

Corporation Bank and others

...Respondents

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

Present: Mr. Randhir Singh Redhu, Advocate for the petitioner.

AJAY KUMAR MITTAL, J. (Oral)

1. The petitioner has approached this Court under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari seeking quashing of notice dated 16.09.2016 (**Annexure P-4**) issued by respondent No.1 under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the SARFAESI Act') whereby the residential flat of the petitioner has been scheduled to be auctioned on 19.10.2016, despite the fact that the said flat was never mortgaged with the respondent-Bank. Further prayer has also been made to stay the auction proceedings which is scheduled to be held on 19.10.2016.

2. The petitioner has only been issued notice under Section 13(2) of the SARFAESI Act against which the petitioner can file representation/objections under sub-Section (3A) of Section 13

as certain questions of facts have been raised in the present petition.

3. In such a situation, we refrain ourselves to entertain the petition and relegate the petitioner to avail the alternative remedy available to her, in accordance with law.

4. Dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

October 17, 2016
sonia gugnani

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No