

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.7060 of 2016 (O&M)
DATE OF DECISION: 12.04.2016

Smt. Neelam Goel and others

....Petitioners

versus

Union Bank of India

.....Respondent

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Aalok Jagga, Advocate for the petitioners

..

S.J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral):

The petitioners apprehend that the respondent will take possession in purported exercise of powers under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, without following the due process of law.

2. It is true that the impugned notice dated 08.04.2016 issued by the respondent states that officials and representatives of the bank "shall take or cause for taking possession of the secured assets wherever it may be situated/stored on the date and time mentioned below". The date and time mentioned is 12 noon on 18.04.2016. The notice does not indicate that the respondent would take forcible possession of the secured assets without following the due process of law. There is nothing to indicate that the respondent would physically oust the petitioners without following the due process of law.

3. Indeed, the respondent would be entitled to take possession only in accordance with law. The petitioners state that

the notice dated 09.02.2016 under Section 13(2) of the SARFAESI Act, referred to in the impugned notice dated 08.04.2016, has not been received by any of them. The petitioners have sought a copy thereof by their letter dated 09.04.2016. If the same is still not furnished by the respondent to the petitioners, the same would have its own effect on the respondent's rights.

4. The petition is accordingly disposed of.

The petitioners are at liberty to serve a copy of this order upon the respondent.

Copy dasti under the signatures of the Bench Secretary.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

12.04.2016
parkash*

(ARUN PALLI)
JUDGE