

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

**CWP No. 12589 of 2016
Decided on : 13.02.2017**

Tek Ram and another

... Petitioners

Versus

State Bank of India and another

... Respondents

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

PRESENT: Mr. Jai Bhagwan Sharma, Advocate
for the petitioners.

Mr. Yogesh Jain, Advocate
for the respondents.

AJAY KUMAR MITTAL, J. (Oral)

The challenge in this writ petition is to the order dated 05th February, 2016 (Annexure P-1), passed by the District Magistrate, Jind and order dated 'Nil' (Annexure P-2), passed by the Authorized Officer, State Bank of India, for taking physical possession of the mortgaged agricultural land.

2. Learned counsel for the petitioners *inter alia* contended that the mortgaged property being agricultural land and therefore, in view of Section 31(i) of the Securitization And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'the Act'), Section 13(2) of the Act is not applicable.

3. After arguing for sometime, learned counsel for the petitioners states that he may be allowed to withdraw the present writ petition as certain facts are required to be proved by leading evidence with liberty to the petitioners to take recourse to the remedies as may be available to them, in accordance with law.

4. Dismissed as withdrawn. It shall, however, be open to the petitioners to take recourse to the remedies as may be available to them, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

February 13, 2017

J.Ram

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No