

Civil Writ Petition No.16476 of 2016

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

Civil Writ Petition No.16476 of 2016

Date of decision: 22.02.2017

M/s Neha Pharmaceutical & Food Industry Pvt. Ltd and another
....Petitioners

versus

UCO Bank Branch Ogli (Kala Aam) and others
....Respondents

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

Present: Mr. Vivek Goyal, Advocate, for the petitioners.
Mr. K.P.S. Dhillon, Advocate, for respondents No.1 and 2.
Mr. R.K.S. Brar, Addl. A.G., Haryana.

AJAY KUMAR MITTAL, J. (Oral)

1. This writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of a writ in the nature of *certiorari* for quashing the notice dated 20.01.2016 (Annexure P-1) under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'SARFAESI Act') and for quashing the notice dated 14.07.2016 (Annexure P-2) under Section 13(4) of the Act whereby symbolic possession of the dwelling house of the petitioners has been taken by the respondent-bank and now the respondent-bank wants to take the physical possession of the house in question. Further prayer has been made for directing the respondent-bank not to take physical possession of the house in question and not to auction the same as the petitioners are ready to pay the pending amount.

Civil Writ Petition No.16476 of 2016

2. Learned counsel for the petitioners states that he may be allowed to withdraw the present writ petition with liberty to the petitioners to avail the alternate remedy, as may be available to them in accordance with law.

3. Dismissed as withdrawn.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

February 22, 2017
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No