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

201

**Civil Writ Petition No.20259 of 2015
Date of decision: February 06, 2017**

Bhagwan Singh

....Petitioner

versus

State of Punjab and others

....Respondents

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

Present: Mr. Akhilesh Vyas, Advocate for the petitioner.

Mr. Rajinder Goyal, Addl. A.G., Punjab.

Mr. H.S. Arora, Advocate for
Mr. Arshdeep Singh Arora, Advocate
for respondent No.2.

AJAY KUMAR MITTAL, J. (Oral)

The petitioner has approached this Court under Articles 226/227 of the Constitution of India seeking a writ in the nature of mandamus for directing the Punjab Financial Corporation to withdraw their 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') against him. Further prayer has also been made to quash the letter dated 28.11.2013 (**Annexure P-3**) and notice dated 25.08.2014 (**Annexure P-4**).

2. Upon notice of motion having been issued to the respondents, reply on behalf of respondent No.2 by way of an affidavit of Sh. Manjeet Singh, Law Officer, Punjab Financial Corporation, Chandigarh has been filed controverting the averments made in the present writ petition and justifying its action initiated under Section 13(2) of the SARFAESI Act.

3. A query was put to learned counsel for the petitioner as to whether any reply/objection under Section 13(3-A) of the SARFAESI Act against the notice dated 25.08.2014 (Annexure P-4) which is under challenge in the present writ petition has been filed to the concerned authority or not. In response thereto, it was submitted that no reply in terms of Section 13(3-A) of the SARFAESI Act has been filed so far. Learned counsel also stated that the petitioner had died in the month of January, 2017 and the present writ petition may be disposed of by granting liberty to his legal representatives to file objections before the concerned authority under Section 13(3-A) of the SARFAESI Act. However, a direction be issued to the said respondent to decide the same in a time bound manner after affording an opportunity of hearing to them in accordance with law.

4. After hearing learned counsel for the parties, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by granting liberty to the legal representatives of the petitioner to raise all the pleas as raised in the present writ petition by way of filing objections under Section 13(3-A) of the SARFAESI Act before the concerned authority within one

month from the date of receipt of certified copy of this order. However, it is directed that in the event of objections being filed by the LRs of the petitioner, the same shall be decided by the concerned respondent in accordance with law by passing a speaking order and after affording an opportunity of hearing to them within a period of next two months.

(AJAY KUMAR MITTAL)
JUDGE

February 06, 2017
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(RAMENDRA JAIN)
JUDGE

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