

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

CWP-COM No.124 of 2017
Date of decision: May 08, 2017

Varinder Singh ...Petitioner

Versus

Debts Recovery Tribunal-III, Chandigarh and others ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Shailendra Jain, Senior Advocate, with
Mr. Satyendra Chauhan, Advocate, for the petitioner.

Rakesh Kumar Jain, J. (Oral)

The petitioner has prayed for the issuance of a writ in the nature of *certiorari* for quashing the order dated 11.04.2017 passed by the Debts Recovery Tribunal-III, Chandigarh (hereinafter referred to as the "DRT").

In short, it is averred that the petitioner is the owner of Plot No.420, situated in Phase-I, Urban Estate, Dhandari Kalan, Ludhiana. Respondent no.5, in his capacity as a Director of the M/s DSL Power (P) Limited, Ludhiana, obtained loan from the Punjab and Sind Bank (hereinafter referred to as the "bank") and mortgaged two Plots No.421 and 422, also situated in Phase-I, Urban Estate, Dhandari Kalan, Ludhiana, as a collateral security besides the other securities. It is further alleged that Plot No.420, owned by the petitioner, is also part of Plot No.421, which has been taken into possession by the bank after the account of the said loanee was declared as Non Performing Asset.

The petitioner approached the DRT alleging that the bank, while attaching Plots No.421 and 422 which were mortgaged with it, also took possession of his Plot No.420. The DRT found that Plot No.420 was not subject matter of the mortgage and it contains only one dressing room and two bathrooms but has the entrance through Plot No.421. It, therefore, decided that Plot No.420 shall have a separate approach/entrance and the bank would attach only Plots No.421 and 422, about which there is no

dispute. Thus, the petitioner has challenged the aforesaid order of the DRT in this petition.

It is submitted by learned counsel for the petitioner that no opportunity was granted to the petitioner to remove his articles from the building built over the Plots No.421 and 422. It is also submitted that the petitioner has the right to protect the entire building, of which Plot No.420 is a part.

After hearing learned counsel for the petitioner and examining the available record, I am of the considered opinion that there is no error in the order of the DRT because the only grievance of the petitioner is that the bank should not take possession of the plot owned by him bearing Plot No.420 as it has not been mortgaged as a collateral security at the time of securing loan. The said property has been ordered to be segregated by the DRT and it has been ordered that the petitioner would have a separate approach/entrance to his Plot No.420 and the properties bearing Plots No.421 and 422 have rightly been allowed to be auctioned by the bank, as per rules.

In view thereof, I do not find any error in the impugned order (s) for the purpose of interference by this Court.

Consequently, the present writ petition is hereby dismissed being denuded of any merit.

May 08, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking/reasoned:	Yes / No
Whether reportable:	Yes / No