

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.151 of 2018

Date of Decision: January 10, 2018

Surjit Rai Jindal

.....Petitioner

versus

State Bank of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Rajan Bansal, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner claims himself to be a tenant in possession of shop-cum-booth No.64 in 22 Acre Scheme, near Fountain Chowk, Barnala. It is stated that he took the said shop-cum-booth on rent w.e.f. 01.04.2003. Subsequently, the owner of the premises mortgaged the shop-cum-booth as a collateral security for taking loan from the respondent-bank. As the borrower defaulted in repayment of loan amount, his account has been classified as NPA and the bank has taken action under Sections 13 & 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Since the District Magistrate, Barnala has passed the order to provide police assistance to the bank to take possession of the booth premises vide order dated 11.08.2017, the aggrieved petitioner is before this Court.

We have gone through the documents relied upon by the petitioner in support of his tenancy claim. In our considered view, these documents can be proved with support of official records to be summoned through witnesses etc. Such a recourse can be effectively adopted before the

Debts Recovery Tribunal where the petitioner's Original Application would be maintainable. The instant writ petition is thus disposed of relegating the petitioner to the above-stated remedy. However, with a view to enable the petitioner to approach the forum, it is directed to maintain *status-quo* re: possession for two weeks from today.

Ordered accordingly.

Dasti.

(SURYA KANT)
JUDGE

January 10, 2018
mohinder

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No