

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

**CWP No. 16729 of 2018  
Decided on : 11.07.2018**

Dharmender Saini and another

... Petitioner(s)

Versus

Corporation Bank and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL  
HON'BLE MR. JUSTICE AVNEESH JHINGAN**

**PRESENT:** Mr. Vivek Goyal, Advocate  
for the petitioner(s).

\*\*\*\*

**AJAY KUMAR MITTAL, J. (Oral)**

The petitioners have approached this Court under Articles 226/227 of the Constitution of India, seeking a writ in the nature of *Certiorari* for quashing the letter dated 25<sup>th</sup> June, 2018 (Annexure P-13), whereby, respondent No.5 has issued notice to the petitioners for taking the physical possession of the only dwelling house of the petitioner from some alleged recovery of respondent No.1-Bank (due towards respondents No.2 & 3), whereas, no loan has been taken by the petitioners from respondent No.1-Bank and petitioners have purchased the property from respondent No.2 on 15.01.2015, after taking loan from respondent No.4-Bank and the petitioners are paying their installments regularly and nothing is overdue towards them. A further prayer has been made for quashing the order dated 29.05.2018 (Annexure P-10A), whereby, respondent No.6 without issuing any notice to petitioner (owner of the property) has ordered to take possession of the dwelling unit. Petitioners have also prayed for quashing the order dated 27.06.2018 (Annexure P-14), whereby, Debt Recovery Tribunal-II, Chandigarh dismissed the application of the petitioners on the ground of local standi, whereas, the petitioner is a bona fide/genuine buyer, who purchased the property in the way back in January, 2015.

2. After arguing for sometime, learned counsel for the petitioners states that he may be allowed to withdraw the present writ petition with liberty to the petitioners to approach the Appellate Authority or take recourse to any alternative remedy, which is available to the petitioners, 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 Dismissed as withdrawn.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**

**(AVNEESH JHINGAN)**  
**JUDGE**

**July 11, 2018**

*J.Ram*

*Whether speaking/reasoned: Yes/No*

*Whether Reportable: Yes/No*