

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

**CWP No. 16811 of 2018
Decided on : 06.09.2018**

State Bank of India

. . . Petitioner(s)

Versus

State of Haryana and others

. . . Respondent(s)

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

PRESENT: Mr. Gaurav Goel, Advocate,
for the petitioner.

Mr. Ayuwan Singh, Asstt. AG, Haryana.

Mr. Anand Chhibbar, Sr. Advocate with
Mr. Vaibhav Sahni, Advocate
for respondents No. 6 to 8.

Mr. Sourabh Goel, Advocate
for respondents No.9 to 11.

Mr. Kanwaljit Singh, Sr. Advocate with
Mr. Abhinav Aggarwal, Advocate
for respondents No. 12 & 13.

AJAY KUMAR MITTAL, J. (Oral)

The prayer made in this writ petition filed under Articles 226/227 of the Constitution of India, is for seeking direction to respondents No.1 to 5 to take over the actual physical possession of the mortgaged properties as described in the notice dated 30th October, 2015 (Annexure P-1) issued under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'the Act') and handover the same to the petitioner Bank in terms of the order dated 05.04.2006 (Annexure P-3) passed by the District Magistrate, Panchkula.

2. Learned counsel for respondents No.9 to 11 submitted that on 28th August, 2018, an amount of ₹ 2.00 Crore in the form of various drafts/cheques in

terms of orders dated 02nd and 20th August, 2018 were handed over to Sh. Amarjit

Sehgal, Chief Manager of the petitioner Bank. He prayed that the said amount of ₹ 2.00 Crore may be returned to respondents No.10 & 11 in the shape of two demand drafts of ₹ 1.00 Crore each in favour of Smt. Amiti Gupta W/o Sh. Rajinder Kumar Gupta and Mr. Rajinder Gupta, petitioners No.10 & 11, respectively, residents of H. No. 315, Sector 9, Panchkula, who stood as guarantors of the aforesaid loans. Ordered accordingly. It was, however, stated that on the payment of ₹ 2.00 Crore, as noted above, respondent No.9 shall have no claim, whatsoever, against the Bank. Learned counsel for respondents No. 9 to 11 further states that the keys and the physical possession of the houses has been handed over to Sh. Amarjit Sehgal, Chief Manager of petitioner Bank, in the Court today. The Chief Manager of the petitioner Bank states that respondents No.9 to 11 shall be entitled to remove the household articles by tomorrow till 5:00 P.M.

3. In view of the above, learned counsel for the petitioner states that the present writ petition has been rendered infructuous and may be disposed of as such.

4. Ordered accordingly.

(AJAY KUMAR MITTAL)
JUDGE

(AVNEESH JHINGAN)
JUDGE

September 06, 2018

J.Ram

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