

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

CWP No.22119 of 2017
Date of Decision: 26.04.2018

Puneet Kumar Gupta

...Petitioner

VS.

State Bank of India & Ors.

... Respondents

Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Shekher Dhawan

Present: Mr. RK Verma, Advocate for the petitioner

Mr. Anandeshwar Gautam, Advocate for
Mr. Gaurav Goel, Advocate for respondents No.1&2

Mr. Rajesh Bhardwaj, Sr.DAG Punjab

SURYA KANT J. (Oral)

(1) The petitioner claims himself to be a tenant on the 1st floor of residential house No.18, Street No.1, Guru Nanak Colony, Faridkot since 01.05.2014. The said house had been mortgaged by the owner in favour of the respondent-Bank as a security for loan amount, the Bank has taken action under Section 13 & 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Apprehending his physical dispossession from the house, the petitioner has filed the instant writ petition.

(2) We have heard learned counsel for the parties at a considerable length and gone through the record.

(3) As the writ petition involves disputed questions of fact which can be determined on the basis of evidence primarily to be led by the petitioner, the instant writ petition is disposed of relegating the petitioner to avail the alternative remedy and approach the DRT for determination of the alleged tenancy rights under Section 17(4-A) of the Act. The petitioner may

approach the Tribunal within one week from the date of receipt of certified copy of this order and in that case, the Tribunal shall make an endeavour to decide the matter expeditiously.

(4) Disposed of accordingly.

CM-14849-50-CWP-2017

Allowed as prayed for.

Documents (P8 to P11) are taken on record subject to all just exceptions.

CMs stand disposed of.

CM-16204-CWP-2017

In view of the fact that the writ petition itself has been disposed of, the instant application seeking amendment of the writ petition has become infructuous and is disposed of accordingly.

(Surya Kant)
Judge

26.04.2018
vishal shonkar

(Shekher Dhawan)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No