

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-22153-2018

Date of Decision: 4.9.2018

Radhey Shyam

....Petitioner.

Versus

Punjab National Bank and another

...Respondents.

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

PRESENT: Mr. Pavan Malik, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the possession notice dated 16.7.2018 (Annexure P-3) and publication of possession notice dated 21.7.2018 (Annexure P-4).

2. The brother of the petitioner, namely, Shri Prem Chand Mittal purchased 100 square yard (20X45) plot one side open on internal road vide sale deed dated 18.12.1989. Vide sale deed and gift deeds dated 14.9.1994 and 10.3.2003 (Annexure P-2 Colly), the petitioner became owner in possession of two side open 176 square yards property. Respondent No.2 pasted a notice dated 17.7.2018 (Annexure P-3) on the said property for taking of symbolic possession, in the absence of the petitioner. After enquiry, the petitioner came to know that his brother had taken loan against

not mortgaged. The said notice was published in the Financial Express vide publication dated 21.7.2018 (Annexure P-4). Accordingly, the petitioner sent a representation dated 25.8.2018 (Annexure P-5) through e-mail to respondent No.2 for withdrawal of possession notice, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a representation dated 25.8.2018 (Annexure P-5) through e-mail to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the representation dated 25.8.2018 (Annexure P-5), in accordance with law by passing a speaking order within a period of two weeks from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

September 4, 2018
gbs

(AVNEESH JHINGAN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No