

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

**CWP No. 23165 of 2018
Decided on : 12.09.2018**

Khadi Seva Sadan (Billa)

... Petitioner(s)

Versus

Union Bank of India and another

... Respondent(s)

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

PRESENT: Mr. Ashutosh Aggarwal, Advocate
for the petitioner(s).

AJAY KUMAR MITTAL, J. (Oral)

The petitioner has approached this Court under Articles 226/227 of the Constitution of India, seeking quashing of the notice dated 04.09.2018 (Annexure P-2) and demand notice dated 16.05.2018 (Annexure -4). Further, a prayer has been made for directing the respondents to not to take physical possession and also not to auction the property in question. Petitioner has also prayed that the respondent-Bank be directed to withdraw the proceedings initiated under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'the Act') and allied rules.

2. A perusal of the writ petition shows that even without approaching to the respondent-Bank under Section 13(3A) of the Act, the present writ petition has been filed, which amounts to be an abuse to the process of Court of law. Faced with this situation, learned counsel for the petitioner states that he may be allowed to withdraw the present writ petition with liberty to the petitioner to avail the alternative remedies as are available to it, in accordance with law.

3. Dismissed as withdrawn. It shall, however, be open to the petitioner to take recourse to the remedies as may be available to it, in accordance with law.

**(AJAY KUMAR MITTAL)
JUDGE**

**(AVNEESH JHINGAN)
JUDGE**

September 12, 2018

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No