

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

**CWP No. 25321 of 2017  
Decided on : 25.09.2018**

Nitin Gupta and another

... Petitioner(s)

Versus

Axis Bank Ltd. and others

... Respondent(s)

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

**PRESENT:** Mr. Rakesh Nehra, Advocate  
for the petitioner(s).

Mr. Deepak Jain, Advocate  
for respondents No.1 to 3.

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

The prayer made in this writ petition filed under Articles 226/227 of the Constitution, is for quashing of the impugned notice(s) dated 31.10.2017 (Annexures P-4 & P-5), passed without affording any hearing before issuing the same notice for taking over the possession of mortgaged properties being site No. SCF No. 20, measuring 121 sq. mtr. i.e. 144.716 sq. yards, covered area 1260 sq. feet situated at Sector 6, Urban Estate, HUDA, within the MC limited of Bahadurgarh, Distt. Jhajjar and H. No. 1937, Sector 6, Urban Estate HUDA, Bahadurgarh on which respondent No.6 had not issued any notice for hearing and passed and passed an ex-parte order through the aforesaid impugned notice(s) dated 31.10.2017 (Annexure P-4 & P-5) under the provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'the Act'). A further prayer for restraining the respondent-Bank from taking physical possession of the aforesaid properties, has also been made.

2. At the outset, learned counsel for the petitioners submitted that the *lis* has been settled with the respondent-Bank on 31<sup>st</sup> August, 2018. The settlement

has been accepted by the Bank and a letter, in respect thereof has also been issued

on 31<sup>st</sup> August, 2018. A photocopy of the aforesaid letter has been produced in Court, which is taken on record, subject to all just exceptions.

3. In view of the above, learned counsel for the petitioners states that he may be allowed to withdraw the present writ petition. Learned counsel for respondents No.1 to 3 pleads no objection.

4. Dismissed as withdrawn.

**(AJAY KUMAR MITTAL)**  
**JUDGE**

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

**September 25, 2018**

*J.Ram*

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