

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-26037-2018

Date of Decision: 10.10.2018

Rajpal Singh and another

...Petitioners

Versus

Union of India and others

...Respondents

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

PRESENT: Mr. Atul Sharma, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of mandamus directing respondent No.2 to release their title deed of the properties situated at village Nangal Fida, PO Salala, Bhogpur, District Jalandhar and also to vacate the charge, lien created over the said property before the revenue authorities.

2. The petitioners along with other partners obtained a financial assistance under four different heads from respondent No.2 on 29.9.2014. Since there was some deviation from the repayment schedule, respondent No.2 issued a notice dated 10.8.2015 (Annexure P-2) to the petitioners under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Respondent No.2 also referred the matter to the Arbitrator who passed an award against the petitioners. Thereafter, respondent No.2 filed an execution petition dated 19.7.2017 (Annexure P-3) against the petitioners. The petitioners

Settlement vide proposal dated 10.12.2017 (Annexure P-4). Respondent No.2 accepted the offer of the petitioners vide letter dated 12.10.2017 (Annexure P-5). The petitioners paid the settled amount and, therefore, the Bank as well the petitioners had withdrawn their respective cases pending before the trial Court as is clear from the orders dated 1.9.2018 and 18.9.2018 (Annexures P-6 and P-7, respectively). Thereafter, the petitioners sent a representation dated 20.9.2018 (Annexure P-8) to respondent No.2 for release of security documents and title deed of their properties, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have moved a representation dated 20.9.2018 (Annexure P-8) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, 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 20.9.2018 (Annexure P-8), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of two weeks from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

October 10, 2018
gbs

(AVNEESH JHINGAN)
JUDGE