

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

(221)

CWP-26859-2018

Date of Decision: October 26, 2018.

Simran Kaur and others

.... Petitioners

Versus

Debts Recovery Tribunal-II and others

..... Respondents

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

Present: Mr. Diwan Singh Sharma, Advocate, for the petitioners.

Mr. Khushkaran Kumar, Advocate, for
Mr. Vikas Chatrath, Advocate, for Chandigarh-Adminastration.

Mr. Vineet Sehgal, Advocate, for respondents No. 2 and 3.

Mr. Anurag Chopra, Advocate, for respondents No. 4 and 5.

AJAY KUMAR MITTAL, J (ORAL)

1. In the 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 *Certiorari*, *inter alia*, for quashing the demand notice dated 04.05.2017 (Annexure P-10) issued under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002; notice dated 22.07.2017 (Annexure P-13) vide which symbolic possession of Booth No.5, Sector 22-D, Chandigarh has been taken; order dated 05.04.2018 (Annexure P-14) passed by respondent No.4 and consequent notice dated 11.10.2018 (Annexure P-18) issued by respondent No.5 for taking the physical possession of the Booth in question.
2. Learned counsel for the respondent(s) referred to order, Annexure P-17, passed by this Court in CWP-10078-2018 wherein the following order was passed:-

“Learned counsel for the petitioner inter-alia states that certain questions of fact are required to be established and, therefore, the proper remedy for the petitioner is to approach the DRT or to take recourse to the alternative remedies as may be available to him, in accordance with law. Thus, he prays for withdrawal of the present petition with the aforesaid liberty.

Dismissed as withdrawn.

It shall, however, be open to the petitioner to take recourse to the remedies as may be available to him, in accordance with law.”

3. In view of the above, the present petition is not maintainable. Additionally, we referred to para 7 of the writ petition wherein it has been mentioned as under:

“ That the petitioners have not filed any other similar petition either in this Hon'ble court or before any other court including Supreme Court of India against the similar cause of action.”

4. After arguing for some time and when the Court had expressed that the writ petition was misconceived and certain material averments have been concealed, learned counsel for the petitioners prayed that he may be allowed to withdraw the present petition.

5. Dismissed as withdrawn.

(AJAY KUMAR MITTAL)
JUDGE

October 26, 2018
harsha

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No