

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-27601-2018

Date of Decision: 29.10.2018

Ved Parkash

...Petitioner

Versus

State Bank of India and another

...Respondents

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

PRESENT: Mr. Rajeev Sharma, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the order/notice dated 29.8.2018 (Annexure P-1) vide which the respondent-Bank has taken symbolic possession of the property and is in process of taking physical possession of the said property.

2. The petitioner had availed Home Loan of ₹ 2,70,000/- from respondent No.1 in the year 2005 and mortgaged his house situated at Patti Rangada, Tehsil and District Ambala. Respondent No.1 vide notice/ order dated 29.8.2018 (Annexure P-1) called upon the petitioner to pay an amount of ₹ 2,85,660/- otherwise to handover the possession of the mortgaged property. The petitioner had repaid an amount of ₹ 5,78,000/- till date as is clear from the loan account statement, Annexure P-2. Accordingly, the petitioner sent a representation dated 14.10.2018 (Annexure P-3) to respondent No.2 to restructure the loan and not to dispossess him from the

house in question, 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 moved a representation dated 14.10.2018 (Annexure P-3) 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 14.10.2018 (Annexure P-3), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of 15 days from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

October 29, 2018
gbs

(AVNEESH JHINGAN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No