

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

**CWP No. 28015 of 2018
Decided on : 31.10.2018**

Virender Singh and others

... Petitioner(s)

Versus

Allahabad Bank and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

PRESENT: Mr. Naresh Kumar, Advocate and
Mr. Naveen Siwach, Advocate
for the petitioner(s).

AJAY KUMAR MITTAL, J. (Oral)

The petitioners have approached this Court under Articles 226/227 of the Constitution of India, seeking writ of *Certiorari*, for setting aside the Intimation letters dated 04.08.2018 and 21.08.2018, followed by an Intimation through E-mail dated 31.08.2018 (Annexure P-15 Colly) as well as notice dated 25.09.2018 (Annexure P-16) issued under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (in short 'the Act').

2. A perusal of the writ petition shows that certain disputed questions of fact have been raised, which cannot be conclusively determined in exercising the writ jurisdiction under Articles 226/227 of the constitution. The petitioners have not approached the respondent-Bank for the relief, as sought to have been claimed in the present writ petition. Moreover, there are alternative remedies available to the petitioners under the Act.

3. The Apex Court in “*United Bank of India Vs. Satyawati Tondon and others (2010) 8 SCC 110*”, held as under :

*“It is a matter of serious concern that despite repeated
pronouncement of this Court, the High Courts continue to*

ignore the availability of statutory remedies under the DRT Act and SARFAESI Act and exercise jurisdiction under Article 226 for passing orders which have serious adverse impact on the right of banks and other financial institutions to recover their dues.”

4. Faced with this situation, learned counsel for the petitioners submitted that he may be allowed to withdraw the present writ petition with liberty to the petitioners either to approach the respondent-Bank/Debts Recovery Tribunal or avail any other alternative remedies as are available to them, in accordance with law.

5. Dismissed as withdrawn. It shall, however, be open to the petitioners to take recourse to the remedies as may be available to her, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

October 31, 2018

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*