

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

CWP No.29654 of 2018
Decided on : 22.11.2018

Tarun Kumar

..... Petitioner

Versus

State Bank of India

..... Respondent

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

Present : Mr. Ravinder Sharma, Advocate
for the petitioner.

Ajay Kumar Mittal, J.

Challenge in this writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ of Certiorari for quashing the possession notice dated 23.06.2017 (Annexure P-1) issued under Section 13(4) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'Act').

2. A perusal of the writ petition shows that only possession notice dated 23.06.2017 (Annexure P-1) and the bank statement (Annexure P-2) have been annexed along with the writ petition. Nothing have been placed on record to show that the petitioner had 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 petitioner under the Act.

3. Admittedly, an application under Section 17(1) of the Act is maintainable assailing the notice under Section 13(4) of the Act as held by the Apex Court in “***United Bank of India Vs. Satyawati Tondon and others (2010) 8 SCC 110***”. The relevant part is extracted herebelow:

“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. In the Circumstances, we are not inclined to entertain the writ petition under Articles 226/227 of the Constitution and dismiss the same by relegating the petitioner to avail alternative remedies in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

22.11.2018
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No