

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

CWP-29786-2018  
Date of decision: 03.12.2018

Santosh Kumar & anr.

.... Petitioners

Versus

ICICI Bank Ltd. & others

.... Respondents

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

Present: Mr. M.K.Taya, Advocate  
for the petitioners.

Mr. Sandeep Suri, Advocate  
for the respondents.

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**Ajay Kumar Mittal, J.(Oral)**

Petitioners have approached this Court under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing the impugned order dated 04.09.2018 (Annexure P-1) passed by District Magistrate, Gurgaon in respect of the proceedings under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'the Act').

2. On 28.11.2018, learned counsel for the petitioners had submitted that the petitioners shall deposit an amount of ₹ 20 lakhs to show their bonafides. It was only on his assurance that on that date, the physical possession of the property was ordered not to be taken from the petitioner.

3. Learned counsel for the respondents submitted that a cheque bearing No.000018 dated 28.11.2018 was deposited with the respondent-bank but the same was not honoured. Photocopy of the said cheque is taken on record.

4. It was not disputed that the order dated 04.09.2018(Annexure P-1) passed by District Magistrate, Gurgaon under Section 14 of the Act can be challenged by the petitioners by way of application under Section 17 of the Act.

5. Faced with this situation, learned counsel for the petitioners prays for withdrawal of the present petition with liberty to the petitioners to take recourse to the alternate remedies available to them, in accordance with law.

6. Dismissed as withdrawn. However, it shall be open to the petitioners to take recourse to the remedies as may be, available to them, in accordance with law.

**(AJAY KUMAR MITTAL)**  
**JUDGE**

03.12.2018  
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**(MANJARI NEHRU KAUL)**  
**JUDGE**

Whether speaking/non-speaking?  
Whether reportable?

Yes/No  
Yes/No