

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

**CWP No. 30050 of 2018
Decided on : 28.11.2018**

M/s A.S. Auto Industries and another

. . . Petitioner(s)

Versus

UCO Bank and others

. . . Respondent(s)

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

PRESENT: Mr. Harinder Singh Aujla, Advocate
for the petitioner(s).

AJAY KUMAR MITTAL, J. (Oral)

The petitioners by way of present petition filed under Articles 226/227 of the Constitution of India, seek quashing of order dated 09.08.2018 (Annexure P-4), passed by respondent NO.4, whereby, notice of possession has been issued to the petitioners. A further prayer for staying the operation of possession notice dated 09.08.2018 (Annexure P-4) has been made.

2. It could not be disputed that the petitioners have not approached the respondent-Bank for clearing the outstanding dues at the first instance. Moreover, an application under Section 17(1) of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (in short 'the SARFAESI Act, 2002') against the order of respondent No.4 - Tehsildar, Ludhiana (South)-cum-Executive Magistrate, Ludhiana, is also maintainable before the Debts Recovery Tribunal having jurisdiction in the matter.

3. Further, 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. In view of the above, we are not inclined to entertain the present writ petition at this stage and therefore, disposed of the present writ petition by relegating 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.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

November 28, 2018

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No