

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-30165-2018

Date of Decision: 29.11.2018

The Punjab National Bank

...Petitioner

Versus

State of Haryana and others

...Respondents

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

PRESENT: Mr. Arvind Rajotia, 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 of mandamus directing respondent No.3 to execute a registered sale deed in favour of respondents No.5 and 6 on the basis of the sale certificate issued by the petitioner.

2. Respondent No.4 requested the petitioner for over draft limit of ₹ 40,00,000/-. The said draft limit was sanctioned by the petitioner on 7.6.2013 by mortgaging sale deed dated 1.10.2014 of the land measuring 133.33 square yards owned by Shri Som Nath and sale deed dated 26.8.2009 of the land measuring 66.66 square yards owned by Smt. Krishna Devi, situated at village Kheri Brahmanan, Salarpur Road, Tehsil Thanesar, District Kurukshetra. On failure of respondent No.4 in making the payment, his account was declared NPA on 31.12.2014. The petitioner issued a notice dated 11.12.2017 (Annexure P-1) under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Smt. Kamlesh Gupta challenged the said notice, Annexure P-1, by filing OA-658-2017 (Annexure P-2) before the

order dated 9.11.2017 (Annexure P-3) dismissed the said OA. Since no appeal was filed against the order, Annexure P-3, the said order had attained finality. Thereafter, the petitioner put the mortgaged properties for public auction. Respondents No.5 and 6 being the successful bidders in the auction, were issued the sale certificate dated 16.8.2018 (Annexure P-4) qua the mortgaged properties. Accordingly, the petitioner sent a representation dated 29.10.2018 (Annexure P-5) to respondent No.3 for execution of the sale deed in favour of respondents No.5 and 6, 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 29.10.2018 (Annexure P-5) to respondent No.3, 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.3 to take a decision on the representation dated 29.10.2018 (Annexure P-5), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner or its authorized representative within a period of 15 days from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

November 29, 2018
gbs

(MANJARI NEHRU KAUL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No