

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.601 of 2018

Date of Decision: January 16, 2018

Vijay Kumar

.....Petitioner

versus

Bank of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Jatin Hans, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner is aggrieved by the order dated 27.11.2017 (P-1) passed by District Magistrate, Bhiwani in purported exercise of his powers under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Vide the impugned order, physical possession of the mortgaged property comprising an industrial plot situated in Industrial Area, Sector-26, Bhiwani has been ordered to be handed-over to respondent No.1-bank. The petitioner claims that he is a tenant in the premises since the year 2008 and all the material facts in respect thereto have been concealed by the respondent-bank and the borrower-cum-landlord, as a result of which injustice has been caused to him.

We have gone through the documents relied upon by the petitioner in respect of his tenancy.

In our considered view, it is difficult to hold conclusively that the petitioner is a tenant in the premises since the year 2008. More proofs/ material is required to be produce to prove his alleged tenancy. Since the petitioner has got an efficacious alternative remedy to raise such a plea

before the Debts Recovery Tribunal, we dispose of this writ petition with liberty to him to avail that alternative remedy and raise all the contentions before the said forum. With a view to enable the petitioner to avail such remedy, *status-quo* re: possession be maintained for two weeks.

Ordered accordingly.

(SURYA KANT)
JUDGE

January 16, 2018
mohinder

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	:	Yes
Whether Reportable	:	No