

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

CWP-7135-2018

Date of Decision: March 22, 2018

Bhim Sain

.....Petitioner

Versus

District Magistrate, Bhiwani and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR. JUSTICE SHEKHER DHAWAN

- | | | |
|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

.....

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

.....

SURYA KANT, J.

The petitioner's grievance is against an order passed by the District Magistrate, Bhiwani in purported exercise of powers under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, 'the SARFAESI Act'). The possession of the secured asset has already been taken by the Bank. The writ petition involves various questions of facts which, in our considered view, can be effectively resolved by way of a petition before the Debts Recovery Tribunal (for brevity,'the DRT').

[2] We, thus, dispose of this writ petition by relegating the petitioner to avail the above-mentioned alternative remedy. However, if the secured asset comprising industrial plot is sold by the Bank, the sale may not be confirmed for a period of two weeks so as to enable the petitioner to approach the DRT meanwhile.

**(SURYA KANT)
JUDGE**

March 22, 2018

meenuss

**(SHEKHER DHAWAN)
JUDGE**

- | | | |
|----|-----------------------------|--------|
| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |