

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

**CWP No. 8742 of 2018(O&M)  
Date of decision :25.9.2018**

Suman Duggal

..... Petitioner

Versus

Authorized Officer, Housing Development Finance  
Corporation Bank Ltd. and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL  
HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr.Arun Takhi, Advocate for the petitioner.  
Mr.Shekher Verma, Advocate for the respondents.  
Mr.Kulwant Singh, Advocate for the applicant (in  
CM No.14334-2018).

**AJAY KUMAR MITTAL, J.**

1. The prayer made in the writ petition under Articles 226/227 of the Constitution of India is for quashing the notice dated 15.3.2018, Annexure P.2, and subsequent proceedings arising therefrom, inasmuch as, no notices under Sections 13(2) and 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Act, 2002 (in short, 'the Act') were served upon the petitioner and, therefore, the approach of the respondents in taking the possession of the mortgaged property is totally illegal under the Rule 8 of the Security Interest (Enforcement) Rules, 2002. It is also prayed that the possession of the respondents be restored as described

in the impugned possession notice dated 15.3.2018, Annexure P.2. A compensation be provided under Section 19 of the Act for illegally and wrongfully taking possession of the property.

2. After arguing for some time, learned counsel for the petitioner states that he may be allowed to withdraw the present petition with liberty to the petitioner to approach the bank or to take recourse to the alternative remedies as may be available to her, in accordance with law.

3. Dismissed as withdrawn.

4. It shall, however, be open to the petitioner to take recourse to the remedies as may be available to her, in accordance with law.

CM No.14334 of 2018

Since the main writ petition has been dismissed as withdrawn, the present application under Order 1 Rule 10 read with Section 151 CPC for impleading Rajinder Kumar as applicant-respondent No.4 is rendered infructuous and the same is disposed of as such.

(AJAY KUMAR MITTAL)  
JUDGE

September 25, 2018  
KD

(AVNEESH JHINGAN)  
JUDGE

Whether speaking / reasoned:  
Whether Reportable:

Yes / No  
Yes / No