

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.37558 of 2018
Date of decision :19.12.2018

Mandeep Kaur and another Petitioners

Versus

State Bank of India and others Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr.Naresh Kumar Bansal, Advocate for the
petitioners.
Mr.Banni Thomas, Advocate for respondent No.1.

AJAY KUMAR MITTAL,J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of Certiorari for quashing the orders dated 16.8.2017, Annexure P.1, passed by respondent No.2 ordering for taking of the possession of the house of the petitioners and dated 14.11.2018, Annexure P.2 passed by respondent No.3.

2. In the case **Kanaiyalal Lalchand Sachdev and others v. State of Maharashtra and others**, 2011 (2) Supreme Court Cases 782, it has been held that in case alternative remedy is available to aggrieved person, then he/she should have firstly availed of that and ordinarily the relief under Articles 226/227 of the Constitution of India is not

available. The relevant portion of the judgment is reproduced as under:

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23. In our opinion, therefore, the High Court rightly dismissed the petition on the ground that an efficacious remedy was available to the appellants under Section 17 of the Act. It is well settled that ordinarily relief under Articles 226/227 of the Constitution of India is not available if an efficacious alternative remedy is available to any aggrieved person."

3. In view of the judgment of Apex Court in **Kanaiyalal Lalchand Sachdev's** case (supra), the present petition is dismissed. However, it would be open to the petitioners to take recourse to the alternative remedies as may be available to them in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

December 19, 2018
KD

(SUDIP AHLUWALIA)
JUDGE

Whether speaking / reasoned:
Whether Reportable:

Yes / No
Yes / No