

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

CWP-1781-2019

Decided on:22.01.2019

Subhash Chander Sikka and another

.... Petitioners

Versus

State Bank of India and others

..... Respondents

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

Present: Mr. Mahir Sood, Advocate
for the petitioners.

AJAY KUMAR MITTAL, J (ORAL)

This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing of the notice dated 22.06.2018 (Annexure P-1) under Section 13(2) of the Securitisation and Reconstruction of Financial Assets Act and Enforcement of Security Interest Act, 2002 (in short 'SARFAESI Act') issued by respondent No.1 and letter dated 26.12.2018 (Annexure P-2) issued by respondent No.3.

2. It could not be disputed that an alternative remedy is available to the petitioners under the provisions of the 'SARFAESI Act'. In *United Bank of India vs. Satyawati Tondon and ors., 2010(8) SCC 110* the apex Court had held that the High Court ordinarily should not exercise its jurisdiction under Articles 226/227 of the Constitution where an alternative remedy is available to the petitioner under the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002.

3. Accordingly, the writ petition is disposed of by relegating the petitioners to take recourse to alternative remedy as is, available to them, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

22.01.2019

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No