

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

CWP No. 2825 of 2019

DECIDED ON: FEBRUARY 01, 2019

HARNAM SINGH

... PETITIONER

VERSUS

DISTRICT COMMISSIONER, YAMUNA NAGAR & ORS

... RESPONDENTS

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

**PRESENT: Mr. Jatinder Nagpal, Advocate
for the petitioner.**

AJAY KUMAR MITTAL, J. (Oral)

The petitioner has approached this Court under Articles 226/227 of the Constitution of India, seeking writ of *Certiorari*, to quash the impugned order dated 14.09.2018 (Annexure P-4) passed by respondent No.1.

2. A perusal of the writ petition shows that certain disputed questions of fact have been raised, which cannot be conclusively determined in exercise of the writ jurisdiction under Articles 226/227 of the constitution of India. Moreover, the petitioner has statutory remedy under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

3. The Apex Court in “***United Bank of India Vs. Satyawati Tondon and others (2010) 8 SCC 110***”, held as under :

“It is a matter of serious concern that despite repeated pronouncement of this Court, the High Courts continue to ignore the availability of statutory remedies under the DRT Act and SARFAESI Act and exercise jurisdiction under Article 226 for passing orders which have serious adverse impact on

*the right of banks and other financial institutions to recover
their dues.”*

4. Accordingly, the present writ petition is dismissed.

(AJAY KUMAR MITTAL)
JUDGE

FEBRUARY 01, 2018
SHAM

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*