

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

CWP No.2778 of 2019
Date of decision :31.1.2019

Gurvinder Pal Singh

..... Petitioner

Versus

State bank of India and another

..... Respondents

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

Present: Mr.Shivam Bajaj, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner has approached this Court under Articles 226/227 of the Constitution of India for issuing direction to respondent No.1 to take possession of the secured assets of the principal borrower in order to recover the loan amount and thereafter proceed against the petitioner-guarantor.

2. A perusal of the writ petition shows that the petitioner has already approached the Debts Recovery Tribunal under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002(in short, `the Act`) impugning the action of the respondent-bank under Section 14 of the Act. The present writ petition is a parallel remedy sought by the petitioner. Moreover, against the order passed under Section 14 of the Act, the

petitioner had approached the High Court of Delhi for not taking the possession of sole residential premises by the respondent-Bank wherein time has been granted to the petitioner till 11.2.2019. In such circumstances, we do not find any justification to entertain the present writ petition under Articles 226/227 of the Constitution of India. The writ petition is accordingly dismissed.

(AJAY KUMAR MITTAL)
JUDGE

January 31,2019
KD

(AVNEESH JHINGAN)
JUDGE

Whether speaking / reasoned:
Whether Reportable:

Yes / No
Yes / No