

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

CWP-3397-2019

Decided on: 07.02.2019

M/s. Guru Nanak Filling Station and another Petitioners

Versus

**The Authorized Officer/Chief Manager, HDFC Bank Ltd., Khanna
and others**

..... Respondents

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

Present: Mr. Arun Gupta, Advocate for
Mr. Sahil Khunger, 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 the possession notice dated 11.01.2019 (Annexure P-4) issued under Section 13(4) of the Securitization and Reconstruction of Financial Assets Act and Enforcement of Security Interest Act, 2002 (in short 'SARFAESI Act').

2. It could not be disputed that against the notice issued under Section 13(4) of the 'SARFAESI Act', an application under Section 17(1) of the said Act is maintainable. 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 discretion 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 dismissed by relegating the petitioners to take recourse to alternative remedy as may be, available to them, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

07.02.2019

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No