

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

CWP-4657-2019
Decided on : 19.03.2019

Hare Krishna Educational Society (Regd.)

..... Petitioner

Versus

Allahabad Bank and ors.

..... Respondents

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

Present : Mr. S.S.Khaira, Advocate
for the petitioner.

Mr. R.S.Manhas, Advocate
for respondent No.1 to 3.

Mr. Govind Rana, Advocate
for respondent No.4.

Ajay Kumar Mittal, J.

The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of writ in the nature of Certiorari for quashing the possession notice dated 05.02.2019 (Annexure P-4) passed by respondent No.4 and order dated 04.12.2018 (Annexure P-3) passed by respondent No.2.

2. It was not disputed that application under Section 17 of the of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, 'SARFAESI Act') is maintainable to challenge the order passed under Section 14 of the SARFAESI Act as held in *Kanaiyalal Lalchand Sachdev and others v. State of Maharashtra and others*, (2011) 2 SCC 782.

3. In view the above, as certain facts are required to be established, we dispose of the present writ petition by relegating the

petitioner to avail the aforesaid alternative remedy by approaching the Debts Recovery Tribunal under Section 17 of the SARFAESI Act, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

19.03.2019
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No