

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

CWP-7948-2019

Decided on: 26.03.2019

Jasbir Singh @ Jagsir Singh and another

... Petitioners

Versus

District Magistrate, Sangrur and others

..... Respondents

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

Present: Mr. Mohit Sadana, Advocate
for the petitioners.

AJAY KUMAR MITTAL, J (ORAL)

The petitioners have approached this Court under Article 226 of the Constitution of India, inter alia, for quashing the impugned order dated 04.10.2018 (Annexure P-7) passed by the District Magistrate, Sangrur-respondent No.1.

2. A perusal of the writ petition shows that petitioners had earlier approached this Court seeking quashing of the said order by way of filing CWP No.709 of 2019, which was dismissed as withdrawn on 14.02.2019 with liberty to the petitioners to approach the bank or to avail alternative remedies as are available to them, in accordance with law.

3. Though the petitioners had approached the bank on 22.02.2019 by way of representation (Annexure P-10), it could not be disputed that the petitioners have an alternative remedy under Section 17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'SARFAESI Act').

In ***Kanaiyalal Lalchand Sachdev and others v. State of***

Maharashtra and others, (2011) 2 SCC 782, 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.

4. 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

26.03.2019
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No