

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

CWP No. 8369 of 2019
Date of Decision: 15.07.2019

PUNJAB WAQF BOARD, CHANDIGARH *Petitioner*
V/s.

PUNJAB AND SIND BANK AND OTHERS*Respondents*

CORAM: **HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.**
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI.

Present: Mr. Ghulam Nabi Malik, Advocate,
the petitioner.

RAKESH KUMAR JAIN, J. (Oral)

This petition is filed by the Punjab Waqf Board, being aggrieved against the order dated 29.05.2018 passed by respondent No. 2-Recovery Officer-I, Debt Recovery Tribunal-I, Chandigarh.

Shorn off the unnecessary details, the grievance of the petitioner is that the land falling in Khasra Nos. 13//12/1 min and 13//9/1 min was leased out by the petitioner to respondent No 6-Gurtej Kaur on 28.01.1981 whereas, the respondents No. 4 to 6 had availed a loan from the respondent-Bank by mortgaging the title deeds of the sale deeds dated 13.09.1980 pertaining to the property measuring 835 sq. yds. having MC No. HR-98. Since, there was confusion as to which property is under mortgage, respondent No. 7 who had taken the property on lease, approached this Court by way of CWP No. 8242 of 2014 which was disposed of 15.01.2018 with a direction to the Recovery Officer of DRT-I to hear all the parties and after considering the revenue/municipal record, identify the property in question and pass the order accordingly.

It is submitted that the Recovery Officer of DRT-I, Chandigarh heard the parties but erred in taking the decision against the petitioner.

We have heard learned counsel for the petitioner and after taking into consideration Section 30 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (for short “the Act”), are of the considered opinion that the petitioner has the remedy of statutory appeal, therefore, this writ petition in its present form is not maintainable.

In view of the aforesaid, the writ petition is hereby dismissed though petitioner is relegated to avail remedy of appeal under the provisions of the Act in accordance with law.

[RAKESH KUMAR JAIN]
JUDGE

July 15, 2019
Ess Kay

[ARUN KUMAR TYAGI]
JUDGE

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