

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

CWP-9199-2019

Decided on: 05.04.2019

Karnail Singh

.... Petitioner

Versus

HDFC Housing Development Finance Corporation Limited

..... Respondent

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

Present: Mr. Deepak Aggarwal, Advocate
for the petitioner.

AJAY KUMAR MITTAL, J (ORAL)

Challenge in this writ petition under Articles 226/227 of the Constitution of India, is inter alia, for issuance of a writ in the nature of Certiorari for setting aside the impugned notice dated 17.12.2018 (Annexure P-3) issued under Section 13(2) of the Securitization and Reconstruction of Financial Assets Act and Enforcement of Security Interest Act, 2002 (in short 'SARFAESI Act') passed by the respondent-finance company.

2. A perusal of the writ petition shows that petitioner had earlier approached this Court seeking quashing of the said notice by filing CWP No.6676 of 2019, which was dismissed as withdrawn on 18.03.2019 with liberty to the petitioner to either approach the bank or to avail alternative remedies as were available to him, in accordance with law.

3. It was urged that thereafter petitioner vide application dated 19.03.2019 (Annexure P-5) had approached the respondent-finance company. From the perusal of Annexure P-5, we find that no effective proposal had been submitted by the petitioner. Further, in view of decision of Apex Court in *United Bank of India vs. Satyawati Tondon and ors., 2010(8) SCC 110*, wherein it has been laid down that for impugning action under SARFAESI Act, an application under Section 17 thereof is maintainable. It has further been 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 SARFAESI Act.

4. Accordingly, the writ petition is dismissed by relegating the petitioner to take recourse to alternative remedy as may be, available to him, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

05.04.2019

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No