

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

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**CWP No.11273 of 2019
Decided on : 01.05.2019**

Dal Chand Solanki and another

. . . Petitioners

Versus

The Canara Bank and another

. . . Respondents

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

Present: Mr. S.K. Tripathi, Advocate for the petitioners.

AJAY KUMAR MITTAL, J. (Oral)

The petitioners have approached this Court under Articles 226/227 of the Constitution of India, *inter alia*, seeking quashing of notices dated 21.03.2018 and 11.07.2018 (**Annexures P-4 & P-5** respectively), issued under Sections 13(2) and 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (in short 'the SARFAESI Act, 2002'). Apart from above, petitioners have also sought quashing of E-auction sale notice dated 01.03.2019 (**Annexure P-6**) issued by the respondent-Bank under Section 14 of the SARFAESI Act, 2002.

2. It was not disputed by learned counsel for the petitioners that against the notice issued under Section 13(4) of the SARFAESI Act, 2002, an application under Section 17(1) of the SARFAESI Act, 2002 is maintainable before the Debts Recovery Tribunal having jurisdiction in the matter.

3. The Apex Court in “**United Bank of India Vs. Satyawati Tondon and others (2010) 8 SCC 110**”, held as under :

“It is a matter of serious concern that despite repeated pronouncement of this Court, the High Courts continue to ignore the availability of statutory remedies under the DRT Act and SARFAESI Act and exercise jurisdiction under Article 226 for passing orders which have serious adverse impact on the right of banks and other financial institutions to recover their dues.”

4. In view of the above, we are not inclined to entertain the present writ petition and dispose of the same by relegating the petitioners either to approach the respondent-Bank/Debts Recovery Tribunal or avail any other alternative remedies as are available to them, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

May 01, 2019
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No