IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.11248-2019 (O&M)
Date of Decision: 21.08.2019

Piyara Singh

.....Petitioner

Versus

District Magistrate Kurukshetra and another

.....Respondents

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

Present : Mr. Brijender Kaushik, Advocate for the petitioner.

Mr. P.P. Chahar, D.A.G., Haryana.

Mr. Gaurav Tyagi, Advocate for Mr. Rakesh Tyagi, Advocate for respondent No.2.

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RAKESH KUMAR JAIN, J. (ORAL)

The petitioner had obtained an over draft facility of ₹7,00,000/- on 01.08.2014 from the respondent-Bank. His account was declared NPA on 30.06.2015 which led to the initiation of proceedings under Section 13(2) and 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act'). As a result thereof, the secured assets (mortgaged property), his residential house, has been taken into possession by the respondent-bank. The petitioner has approached this Court for issuing a writ in the nature of certiorari for quashing the order passed under Section 14 of the Act and also for issuing a writ in the nature of mandamus to direct the respondent-bank to regularize his account. In order to prove his bona fide, as per order passed by this Court, the petitioner has deposited an amount of ₹3,00,000/-.

However, as per counsel for the respondent-bank, the petitioner is still in arrears of more than ₹8,00,000/- The counsel for the petitioner has submitted that he would pay the amount due to the bank but his financial position is such that the entire amount cannot be paid in one go. He has, thus, prayed that appropriate direction be issued to the bank to consider his request, if any, made to them for the purpose of regularizing his account.

Counsel appearing on behalf of the Bank has though contested the case of the petitioner but we are of the considered opinion that in the given facts and circumstances, if the petitioner approaches the respondent-Bank with the proposal the same may be considered by the bank.

Accordingly, the present petition is hereby disposed of with a direction to the petitioner to file a comprehensive representation within a period of two weeks from today and the respondent-Bank is further directed to decide the same within a period of two weeks by passing a speaking order.

(RAKESH KUMAR JAIN)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

21.08.2019
Kothiyal

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