

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

**CWP No. 12358 of 2019
Decided on : 10.05.2019**

UCO Bank

. . . Petitioner(s)

Versus

M/s Binny Print Corner and others

. . . Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AVNEESH JHINGAN**

PRESENT: Mr. Munish Mittal, Advocate
for the petitioner(s).

AJAY KUMAR MITTAL, J. (Oral)

The petitioner has approached this Court under Articles 226/227 of the Constitution of India, seeking writ of *Certiorari*, for quashing the action of respondent No.4 under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (in short 'the SARFAESI Act, 2002') for taking the possession of the property which is already mortgaged with the petitioner since 2009. A further prayer has been made for issuing direction to respondent No.4 for not proceeding further under the provisions of the SARFAESI Act, 2002, regarding the property in dispute.

2. A perusal of the writ petition shows that certain disputed questions of fact have been raised, more particularly, as to whether the property in question has been mortgaged with the petitioner or respondent No.4, which cannot be conclusively determined in exercising the writ jurisdiction under Articles 226/227 of the constitution.

3. Keeping in view the availability of alternative remedy against the impugned action and the law laid down by the Apex Court on the issue, we do not find any ground to interfere in exercise of writ jurisdiction under Articles 226/227

of the Constitution of India. Accordingly, we dispose of the present writ petition by relegating the petitioner to take recourse to an appropriate remedy, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(AVNEESH JHINGAN)
JUDGE

May 10, 2019
J.Ram

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