

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 12067 of 2019

Decided on : 08.05.2019

Brham Dutt and another

. . . Petitioner(s)

Versus

District Magistrate, Faridabad and another

. . . Respondent(s)

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

PRESENT: Mr. Jai Bhagwan Sharma, Advocate, for the petitioner(s).

AJAY KUMAR MITTAL, J. (Oral)

The petitioners have approached this Court under Articles 226/227 of the Constitution of India, seeking quashing of the action of respondent No.2 not to accept the representation dated 02.04.2019 (Annexure P-1) of the petitioners either to reschedule the EMIs or grant some reasonable time to settle the loan account as well as quashing the impugned order dated 08.01.2019 (Annexure P-2) passed by the District Magistrate, Faridabad – respondent No.1 for taking the physical possession of the secured asset i.e. mortgaged residential house of the petitioners. Besides above, certain other prayers have also been made.

2. A perusal of the writ petition shows that the petitioners had already approached this Court earlier by way of Civil Writ petition No. 7030 of 2019, which was dismissed as withdrawn on 14th March, 2019 with liberty to approach respondent No.2 or take recourse to the alternative remedies as may be available to the petitioners, in accordance with law. Now, second petition has been filed by the petitioners on the same cause of action.

3. In such a situation and keeping in view the above, we do not find any ground to entertain the present writ petition, therefore, refrain ourselves from entertaining the petition and relegate the petitioners to avail the alternative remedy under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 , in accordance with law.

4. Dismissed.

**(AJAY KUMAR MITTAL)
JUDGE**

**(MANJARI NEHRU KAUL)
JUDGE**

May 08, 2019

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No