

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

CWP No. 16929 of 2019

Date of Decision: 01.07.2019

SATISH KUMAR

..... *Petitioner*

V/s.

STATE OF PUNJAB AND OTHERS

.....*Respondents*

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

Present: Mr. Bharat Julka, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (Oral)

This petition is directed against the order dated 26.04.2019 passed by the District Magistrate-cum-Tehsildar, Ludhiana (East) by which the proceedings under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short “the Act”) has been initiated.

In brief, the petitioner had secured financial assistance from the respondent No. 2-Bank to the extent of ₹10,75,000/- after mortgaging the property in question. Proceedings under Section 13 (2) of the Act were initiated on 03.06.2016 for the purpose of recovery of ₹4,92,162.42 paise. It was followed by a notice under Section 13(4) of the Act but the petitioner, instead of challenging the said proceedings in terms of Section 17 (5) of the Act, has filed a civil suit at Ludhiana on 02.01.2019 in which next date of hearing is 15.07.2019. In the meantime, respondent No. 2-Bank had invoked the provisions of Section 14 of the Act and the District Magistrate, Ludhiana has passed the impugned order dated 26.04.2019 for the purpose of taking possession. Aggrieved against the said order, present petition has been filed.

It is also submitted that the petitioner had earlier approached this Court by way of CWP No. 15281 of 2019 which was allegedly withdrawn by him on 30.05.2019 with liberty to file it again with better particulars.

Although learned counsel for the petitioner has submitted that the substantial amount has been paid to the respondent-Bank but he has failed to justifying that as to how a civil suit could have been filed in order to challenge the proceedings initiated under Section 13 of the Act as the statutory remedy to challenge the same is provided under Section 17 of the Act. In view thereof, the writ petition is not found to be maintainable as the petitioner has the statutory remedy under the Act for the redressal of his grievance.

In view of the above, we do not find any merit in the present petition and the same is hereby dismissed, though without any order as to costs.

[RAKESH KUMAR JAIN]
JUDGE

July 1, 2019

Ess Kay

[ARUN KUMAR TYAGI]
JUDGE

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No