

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

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**CWP No.16875 of 2018
Date of Decision : 19.09.2019**

Shriram Housing Finance Ltd.

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present : Mr. Harsh Chopra, Advocate for the petitioner.

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

Mr. Ferry Sofat, Advocate for respondent No.5.

RAKESH KUMAR JAIN, J. (ORAL)

The Financial Institution is seeking a writ in the nature of mandamus to direct respondents No.2 and 3 to comply with the order dated 07.05.2018 passed by the District Magistrate to take the physical possession of the mortgaged property but the respondents have replied that the order dated 07.05.2018 has been changed by the District Magistrate vide order dated 24.05.2018. Faced with this development, counsel for the petitioner has prayed for withdrawal of this petition to challenge the order dated 24.05.2018 on the ground that the District Magistrate does not have the jurisdiction to adjudicate upon the rights of the parties.

In this regard he has relied upon a decision of the Division Bench of this Court in the case of ***M.D. Frozen Food Exports Pvt. Ltd. and others Vs. Hero Fincorp Ltd. and another : 2017 (4) Law Herald (P&H) 3029.***

After hearing learned counsel for the parties and keeping in view the aforesaid facts and circumstances, the present petition is hereby dismissed as withdrawn with liberty to the petitioner to challenge the order dated 24.05.2018 in accordance with law.

(RAKESH KUMAR JAIN)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

19.09.2019
Kothiyal

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