

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

**CWP No. 1717 of 2018  
Decided on : 09.01.2019**

Ravi Chander and others

. . . Petitioner(s)

Versus

Canara Bank and another

. . . Respondent(s)

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

**PRESENT:** Mr. Jitender Malik, Advocate for  
Mr. Vikram Sheoran, Advocate  
for the petitioners.

Mr. Gunjan Gera, Advocate for  
Mr. Arvind Rajotia, Advocate  
for the respondents.

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**AJAY KUMAR MITTAL, J. (Oral)**

The petitioners have approached this Court under Article 226 of the Constitution of India, seeking quashing/setting aside the impugned sale notice dated 26<sup>th</sup> December, 2017 (Annexure P-13), whereby, the equitable mortgage property of the petitioners has been put on auction fixed for 29<sup>th</sup> January, 2018 by way of e-auction. Further a writ of *Mandamus* has been sought, for restraining the respondent-Bank to proceed on the basis of Annexure P-3 and from auctioning the equitable mortgage property i.e. residential plot.

2. It was not disputed by the learned counsel for the petitioners that in view of the interim order passed by this Court on 25<sup>th</sup> January, 2018, the auction in pursuance to Annexure P-13, which was fixed for 29<sup>th</sup> January, 2018, had not been carried out.

3. In view of the above, it was submitted that the present writ petition has been rendered infructuous and may be disposed of as such. However, liberty be granted to the petitioners to approach this Court again, in case, fresh cause of

4. Disposed of as infructuous. It shall, however, be open to the petitioners to take recourse to remedies, in accordance with law, in case any fresh action is taken by the respondent-Bank against them.

**(AJAY KUMAR MITTAL)**  
**JUDGE**

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**January 09, 2019**

*J.Ram*

*Whether speaking/reasoned: Yes/No*

*Whether Reportable: Yes/No*