

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

CWP No.18326 of 2018 (O&M)
Decided on :29.03.2019

Rashid Ahmed . . . Petitioner

Versus

Canara Bank and others . . . Respondent(s)

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

PRESENT: Mr. Gagneshwar Walia, Advocate
for the petitioner.

Mr. Gaurav Goel, Advocate
for respondent No.1.

AJAY KUMAR MITTAL, J. (Ora l)

The petitioner has approached this Court under Articles 226/227 of the Constitution of India, seeking writ of *Certiorari*, for quashing the notice dated 26.06.2018 (Annexure P-4 Colly) issued under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (in short 'the Act').

2. It could not be disputed that the petitioner was unable to bring the demand draft of ₹ 1.75 crores in terms of order dated 15.02.2019. Moreover, alternative remedies are available to the petitioners under the Act.

3. The Apex Court in “*United Bank of India Vs. Satyawati Tondon and others (2010) 8 SCC 110*”, held as under :

“It is a matter of serious concern that despite repeated pronouncement of this Court, the High Courts continue to ignore the availability of statutory remedies under the DRT Act and SARFAESI Act and exercise jurisdiction under Article 226 for passing orders which have serious

adverse impact on the right of banks and other financial institutions to recover their dues.”

4. In view of the above, the present petition is disposed of by relegating the petitioner to approach the DRT in accordance with law.
5. This order shall also dispose of CM No.1863 of 2019.

(AJAY KUMAR MITTAL)
JUDGE

29.03.2019
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No