

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

CWP-20652-2019 (O&M)
Date of Decision:24.09.2019

M/s Guru Agro Works

. Petitioner

Vs.

State Bank of India and others

. Respondents

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

Present: - Mr.Lalit Pathak, Advocate,
for the petitioner.

Mr. Rajnish K. Jindal, Advocate,
for respondents No.1 & 2.

Mr. Harsh Garg, Advocate, for
Mr. Pulkit Goyal, Advocate,
for respondent No.3.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner has prayed for the issuance of a writ in the nature of certiorari for quashing the proceedings dated 19.7.2019 by which possession has been taken of the land measuring 1 kanal 7 marla comprised in Khata No.118/179, Khasra No.13//16/2(1-7) situated at Village Bharo, Tehsil and District Sangrur.

The case setup by the petitioner is that the property mortgaged by it is a workshop measuring 1 kanal 16 marla 6 sarsahi i.e. 1100 sq. yards being 330/73017 share out of 405 kanal 13 marla in Khewat No.118 to 145 at Village Dharo Ke, Nabha to Channo Road, Tehsil Nabha, District Patiala.

After notice, respondents No.1 & 2 have filed their reply today in Court and counsel appearing on their behalf has submitted that the possession of the property in dispute has been taken due to non-availability

of demarcation report but at present he has suffered a statement that the property in dispute shall be released from possession forthwith. However, he has prayed that in case after demarcation it is found that the property in dispute is also a part of the mortgaged property then they may be allowed to take possession of it. Counsel for the petitioner has raised no objection in this regard. Accordingly, the present petition is hereby allowed and the proceedings initiated by respondents No.1 & 2 for taking possession of the property in dispute are hereby set aside with a direction to respondents No.1 & 2 to release the property of the petitioner immediately after presentation of certified copy of this order, with liberty to them, to initiate proceedings for taking possession of the property in case it is found, after demarcation, that the property in dispute, which is released vide this order, is also a part of the mortgaged property.

(RAKESH KUMAR JAIN)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

24.09.2019

Vivek

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*