

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

CWP No.24217 of 2018  
Decided on : 25.02.2019

Batra Auto Company

..... Petitioner

Versus

Bank of India & ors.

..... Respondents

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

Present : Mr. Suvir Sehgal, Advocate with  
Mr. Deepak Sharma, Advocate and  
Mr. Daman Dhir, Advocate  
for the petitioner.

Mr. K.P.Dhillon, Advocate  
for respondents No.2 to 4.

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**Ajay Kumar Mittal, J.**

The instant writ petition has been filed under Articles 226/227 of the Constitution of India inter alia for issuance of a writ in the nature of Certiorari for setting aside the auction notice dated 31.08.2018 (Annexure P-29).

2. Learned counsel for the respondent-bank submitted that the loan account of the petitioner has been cleared as ₹ 38.25 crores according to the OTS proposal has been paid by the petitioner and the possession of the mortgaged property has been handed over to it. He further submitted that the present petition has become infructuous and may be disposed of as such.

3. It was further stated by the learned counsel that at the time of possession of the immovable property consisting of industrial land and building measuring 7000 sq. yard situated at Plot No.14/1, KM

Mile Stone Mathura Road, Faridabad it was noticed that certain items, which were lying in the premises were missing.

4. Keeping in view the fact that No Due Certificate has been issued by the respondent-bank and possession of the mortgaged property has been handed over to the petitioner on 28.12.2018, the present petition is disposed of as having become infructuous. However, if the petitioner has any other grievance, it shall be open to the petitioner to take recourse to the remedies as may be, available to it, in accordance with law.

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

25.02.2019  
sonia

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

Whether speaking/reasoned:  
Whether reportable :

Yes/No  
Yes/No