Serial No. 210
PARAMJEET SINGH
2020.12.08 12:00

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

OWP No. 204/2014 (O&M)
(Through Video Conferencing)

Narinder Pal Singh ….Petitioner(s)

Through: None.

v/s

State of J&K and others ….Respondent(s)

Through: None.

Coram: HON'BLE MR. JUSTICE RAJESH BINDAL, JUDGE

ORDER

1. The present petition was filed way back in the year 2014 challenging the vires of Section 13(1) of Securitization and Reconstruction of Financial Assets, Enforcement of Security Interest Act, 2002, (for short 'the SARFAESI Act') as far as the same was applicable to the then State of J&K. The action taken by the Bank in pursuance to the SARFAESI Act was also under challenge.

2. During the pendency of the present petition, the issue regarding application of provisions of SARFAESI Act in the then State of J&K and now Union Territory was considered by Hon'ble the Supreme Court and the same was held to be applicable. For the purpose, reference can be made to judgment of Hon'ble Supreme Court in **2016 (4) JKJ 32** titled as **State Bank of India and another v. Santosh Gupta and another**.

3. In view of the aforesaid development, which had taken place during the pendency of the writ petition, the challenge to the SARFAESI Act does not survive, hence, the present petition is dismissed. The petitioner is at liberty to avail of any other appropriate remedy available to him under the provisions of SARFAESI Act, if so advised against any action proposed against him.

(RAJESH BINDAL)
JUDGE

Jammu
04.12.2020
Paramjeet

Whether the order is speaking: Yes/No.
Whether the order is reportable: Yes/No

