

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

CWP-14240-2020 (O&M)
Date of decision : 11.09.2020

Kiran Singhal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.C. Shahpuri, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The writ petitioner has filed this petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the official respondents to provide adequate police help to the petitioner so as to enable her to remove her articles lying in the house.

It is the case of the petitioner that she and her family members had availed a home loan by mortgaging the property in question with respondent No.4. On account of default in repayment, the proceedings under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter to be referred as “the Act of 2002”), were initiated by respondent No.4 i.e. the TATA Capital. An application under Section 14 of the Act of 2002, was filed by respondent No.4 before the Court of District Collector, Ist Grade, Yamuna Nagar Pursuant thereto, the possession of the premises has been taken over and

sealed by respondent No.4.

Now, the writ petitioner claims that she could not remove her articles lying in the premises (house) which has been sealed by respondent No.4. It is further contended that respondent No.4 has no objection regarding the same but the private respondent No.5 to 8 are creating problem.

Keeping in view the facts of the case, it is considered appropriate to relegate the petitioner to the remedy before the District Collector, who had passed an order under Section 14 of the Act of 2002. If an application is filed by the petitioner before the District Collector, Ist Grade, the same shall be disposed of within a period of four weeks from the date of filing the same.

In view of the above, the present writ petition is disposed of.

All the pending miscellaneous applications, if any, are disposed of, in view of the above-said judgment.

11.09.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No