

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

CWP-18023-2020

Date of decision: 30.10.2020

Canara Bank

....Petitioner

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Rakesh Gupta, Advocate, for the petitioner.

AJAY TEWARI, J. (ORAL)

Through the present writ petition filed under Article 226/227 of the Constitution of India, petitioner prays for issuance of writ in the nature of certiorari for setting aside letter dated 30.10.2018 (Annexure P-5).

The position in this case is that the petitioner-Bank had initiated proceedings under the SARFAESI Act against the private respondents No.4 to 7 with respect to three properties.

Pursuant to the order of the District Magistrate, the physical possession of two of the properties was handed over to the Bank but it was brought to the notice of the District Magistrate that the possession of third property could not be taken because there was a stay order from the Civil Court and consequently, vide order dated 30th October, 2018, the District Magistrate informed the petitioner about the fact that possession could not be handed over due to the stay order and for the information that the petitioner may take appropriate action to follow up the case before the Civil Court.

After two years, the present petition has been filed. We put it to the learned counsel whether the petitioner has taken any steps as mentioned in the letter dated 30th October, 2018, the learned counsel for the petitioner states that no steps have been taken.

In the circumstances, we permit the petitioner to withdraw this petition to first find out whether there is any interim order and if it is there and the same is against the law then to approach that Court.

Dismissed as withdrawn with the aforesaid liberty.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

30.10.2020
m. sharma

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No