

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

CWP No.20745-2020

Date of Decision:04.12.2020.

**Prem Sarup Khanna and another
Vs.**

.....Petitioners

District Magistrate and others

.....Respondents

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

Present :- Mr. Vijaypal, Advocate
for the petitioners.

AJAY TEWARI, J. (Oral)

1. This petition has been filed challenging the notice (Annexure P.5) as per which the respondent No.2 Naib Tehsildar, Gurugram has informed the respondent No.6 that in lieu of the order of the District Magistrate, Gurugram (at the instance of respondent No.4 IndusInd Bank Limited), the physical possession of the properties bearing Unit Nos.142, 143, 123, 124A, 124B, 125, 125A, 125B, 127, 128, 122A, 122B, 122 and 128A at First Floor, Universal Trade Tower, Sector-49, Sohna Road, Gurugram situated at Village Tikri, Tehsil and District Gurugram, Haryana is going to be taken on 03.12.2020 i.e. yesterday.

2. The case of the petitioners is that in fact they had purchased the said property from respondent Nos. 5 & 6 way back in the year 2015 and that they are bonafide purchasers because in the sale deed the vendor had clearly mentioned that there was no encumbrance against the property and now it has transpired that the said vendor has defrauded the petitioners. Further the case of the petitioners is that they had no knowledge about the proceedings which had been initiated by the respondent No.4 and they got no opportunity to represent their side.

3. Today, the learned counsel for the petitioners has argued that the only prayer of the petitioners is that the respondent No.4 should disclose all the details of the account and the legal proceedings which have been initiated so that the petitioners can approach the competent Court for whatever relief they may be entitled.

4. We find this to be a fair request and consequently we dispose of this petition with a direction to the respondent No.4-Bank that in case the petitioners approaches it should furnish forthwith the details of the account as well as the legal proceedings which have been initiated by the Bank to recover the same so that the petitioners may approach the competent Court for any relief they may be entitled.

5. Since the main case has been decided, the pending application(s), if any, also stands disposed of.

(AJAY TEWARI)

JUDGE

(RAJESH BHARDWAJ)

JUDGE

04.12.2020

priyanka

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No