

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

CWP No. 3644 of 2021

Date of Decision: 20.08.2021

Balvir Singh

.... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
 HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. Ranjit Singh Sidhu, Advocate for
 Mr. Gopal Singh Nahel, Advocate
 for the petitioner.

JASWANT SINGH, J. (ORAL)

*[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court]*

The petitioner had availed a home loan from Dena Bank (now merged with Bank of Baroda) for a sum of Rs.13,50,000/- for construction of house. The constructed house was offered as a collateral security by way of an equitable mortgage. Due to lack of financial discipline, the home loan was declared NPA on 31.12.2015. A notice under Section 13(2) of the SARFAESI Act (for short, 'the Act') was issued on 07.06.2016 recalling the outstanding loan amount of Rs.13,89,156/- due as on 07.06.2016. Notice under Section 13(4) of the Act was issued on 29.08.2016 and thereafter, upon application under Section 14 of the Act filed by the respondent bank, order dated 13.10.2020 (Annexure P-3) came to be passed directing providing of official assistance for taking over actual physical possession of the mortgaged property i.e. residential house.

The simple prayer in the present petition is for directing the respondents not to take physical possession of the residential house, which is not supported by any legal grounds whatsoever.

Learned counsel appearing on behalf of the petitioner states that in view of the previous opportunities granted by this Court for seeking instructions from the petitioner pertaining to deposit of the outstanding amount, the counsel has received no instructions. Hence, he prays for permission to withdraw the present petition.

Permitted to do so.

Dismissed as withdrawn.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

20.08.2021
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No