

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

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CWP No.4153 of 2021 (O&M)

Date of decision : 06.12.2021

Parkash Chand

.....Petitioner

VERSUS

State of Punjab and Others

.....Respondents

**CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present:- Mr.Nand Lal Sammi, Advocate, for the petitioner.

Mr.Anju Arora, Additional Advocate General, Punjab.

Mr.J.S.Mehandiratta, Advocate, for respondent No.4.

TEJINDER SINGH DHINDSA, J. (Oral)

Instant writ petition is directed against the order dated 29.12.2020 (Annexure P-8) passed by the learned Additional District Magistrate, SAS Nagar, while dealing with an application filed by respondent No.4 herein under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "SARFAESI ACT, 2002"), seeking permission for taking over physical possession of the secured assets which had been mortgaged in its favour.

Vide impugned order, it has been directed that House No.536, Phase 1, Sector 55, SAS Nagar, Mohali, be taken over and handed over to the secured creditor i.e. Bajaj Finance Limited, SCO No.26, 1st and 2nd floor, Sector-26, Chandigarh/respondent No.4 herein.

During the course of arguments today, counsel for the petitioner has not been able to refute that against the impugned order at

Annexure P-8, the petitioner would have a statutory remedy to approach the Debt Recovery Tribunal under Section 17 of the SARFAESI ACT, 2002.

In view of the above, we decline to interfere in the instant writ petition.

Liberty is granted to the petitioner, if so advised to avail of the statutory remedy under the provisions of SARFAESI ACT, 2002.

We may observe that since the petitioner had filed the instant writ petition in February 2021 and accordingly a certain period of time has elapsed since, in case the petitioner approaches the Debt Recovery Tribunal and files an application seeking condonation of delay, the same would be considered sympathetically.

Disposed of.

Interim protection granted by this Court would consequently cease to operate.

(TEJINDER SINGH DHINDSA)
JUDGE

(VINOD S. BHARDWAJ)
JUDGE

06.12.2021
anil

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