

CWP No.4690 of 2021 (O&M)
Date of Decision : 26.02.2021

Shree Ganesh Enterprises

..... Petitioner

versus

District Magistrate, Ludhiana

..... Respondents

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

Present :- Mr. Umesh Aggarwal, Advocate for the petitioner.

AJAY TEWARI, J. (Oral)

1 This petition has been filed claiming that the petitioner was a tenant in a property owned by respondent No.3-M/s Graphic Motors (earlier known as M/s Deotsidh Motors Pvt. Ltd.) which was hypothecated to the respondent No.2-Bank on account of a loan which the respondent No.3 had raised from the respondent No.2-Bank. That loan was defaulted and the respondent No.2-Bank took over the possession of the premises.

2 The case of the petitioner is that he is ousted from the possession and is no longer claiming any tenancy rights but his material was also lying in the premises which had been taken over by the respondent No.2-Bank and which was never part of the secured assets and the respondent No.2-Bank should release that material.

3 On advance copy of the petition having been filed Mr. C.S.Pasricha, Advocate has entered appearance on behalf of the respondent No.2-Bank and has very fairly stated that the Bank has no interest in any asset which was never secured to it and has further stated that the petitioner may move a representation to the respondent No.2-

Bank to establish what kind of material is lying inside the premises and the respondent No.2-Bank will take a decision after calling upon respondent No.3 also. Further submission which Mr. C.S.Pasricha, Advocate has made is that as a matter of fact this petition is not maintainable and the arguments could well have been raised before the Debt Recovery Tribunal under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

4 However, in view of the fair stand by Mr. C.S.Pasricha, Advocate and in view of the fact that it is an agreed order we are not taking the cognizance of this argument at this stage.

5 Counsel for the petitioner states that the petitioner is satisfied if this course of action is followed.

6 Consequently, the petitioner is directed to move a representation to the respondent No.2-Bank within a period of four weeks and the respondent No.2-Bank shall decide the said representation and pass a speaking order thereon within a period of two weeks thereafter after sending an advance notice to respondent No.3.

7 Petition stands disposed of in the above terms.

8 Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

26.02.2021

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Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No