

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

CWP No.6047-2021

Date of Decision:16.03.2021

M/s Shiv Shakti Medical Society

...Petitioner

Versus

Punjab National Bank

...Respondent

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

Present: Mr.Saurabh Bajaj, 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.]

Challenge is to the e-auction sale notice dated 19.02.2021
(P-6), whereby the following two secured assets are being put to auction:-

- (i) Nursing College Land and building msg. 126K-15M situated at Sunam Road Bhikhi vide RTD no.402 dated 05.06.2002, RTD no.486, dated 15.06.2002, RTD no.272 dated 19.05.2003, RTD no.1047 dated 14.12.2005, RTD no.1159 dated 12.01.2005, ,RTD no.1266 dated 03.03.2004, ,RTD no.153 dated 05.05.2005, ,RTD no.154 dated 05.05.2005, RTD no.1162 dated 29.01.2004, RTD no.690 dated 09.08.2006;
- (ii) Triple Storey College Hostel building msg 0K-14M at Mansa-Sunam Road, Bhikhi Vide deed No.1955 dated 23.07.1993 and RTD No.2809 dated 26.11.1993 in the name of Somnath, Rajkumar Ss/o of Sh. Tej Bhan.

The ground of challenge is that the secured assets being agriculture land, cannot be proceeded against under the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest

Act, 2002 (for short “SARFAESI Act, 2002”) in view of the provision of Section 31 clause (i) of the SARFAESI Act, 2002. To support the plea, reliance is being placed upon an order dated 27.01.2021 **(P-7)** passed by the District Magistrate, Mansa, whereby an application under Section 14 of the SARFAESI Act, 2002 moved by the Bank for providing official assistance to seek physical possession was declined. It is asserted that the prayer was declined in view of the property being agriculture.

On a close examination of order dated 27.01.2021 **(P-7)** as also the e-auction sale notice dated 19.02.2021 **(P-6)**, we do not find either the properties being connected with any agriculture land or the land being put to auction being actually used for agricultural purposes.

At this stage, learned counsel for the petitioner seeks permission of the Court to withdraw the present writ petition to enable its client to file, if so advised, a fresh one with better particulars.

Ordered accordingly.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

16.03.2021
mks

Whether speaking/reasoned:	Yes / No
Whether Reportable:	Yes / No