

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

**Civil Writ Petition No. 7145 of 2021 (O&M)
Date of Decision: 01.09.2021**

Leelawati, Gurugram

..... Petitioner

Versus

State of Haryana and others

..... Respondents

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

Present: Mr. Pawan Singh, Advocate for the petitioner.

Mr. Vivek Saini, Additional Advocate General, Haryana

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

JASWANT SINGH, J. (ORAL)

Petitioner – Leelawati claims to have purchased a constructed house / secured asset from one Sheela Devi, vide sale deed dated 23.05.2017 (**Annexure P-1**), described as under / as mentioned in the order dated 01.10.2019 (**Annexure P-5**) passed by the District Magistrate, Gurugram :-

“ All that part and parcel of property Plot No. 123, Khasra No. 13, 5573/15, Vishnu Garden, Rajendra Park, Gurugram area admeasuring 945 Sq. Feet constructed on plot measuring 105 Sq. Yards vide sale deed No. 3980 dated 11.05.2016 registered with Sub-Registrar, Gurugram, Haryana. ”

Present petition has been filed seeking the quashing of the aforesaid order dated 01.10.2019 (**P-5**) passed by the District Magistrate, Gurugram, under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short “the Act, 2002”), at the instance of a secured creditor – **Can Fin Homes Ltd.** through **Sh. Vishwa Prakash Sharma, Authorised Officer.**

Further grievance is against the action of taking actual possession by sealing the house by some unknown persons and no action being taken by the SHO, Police Station Rajendra Park, Gurugram, upon the complaint dated 06.03.2021 (**Annexure P-6**) in that regard.

This Court, vide order dated 26.03.2021, had directed the State Counsel to seek instructions in respect of the aforesaid complaint dated 06.03.2021 (**P-6**).

At the time of resumed hearing today, learned State Counsel, Mr. Vivek Saini, Additional Advocate General, Haryana, states that the possession on the said day by sealing of the property was undertaken by the bank officials pursuant to the order dated 01.10.2019 (**P-5**) passed by the District Magistrate, Gurugram. He further states that as regards the claim of the petitioner that she has been defrauded by the original owners, the petitioner (Leelawati) has her alternative civil and criminal remedy, however, the present action of the bank officials is by following the due process of law under the Act, 2002.

In view of the aforesaid factual position, we do not deem it appropriate to invoke the writ jurisdiction.

Disposed off.

The petitioner is free to seek her civil and criminal remedy in accordance with law.

(JASWANT SINGH)
JUDGE

September 01, 2021

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(SANT PARKASH)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>