

CWP No.8048 of 2021

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

CWP No.8048 of 2021**Date of Decision: 08.04.2021****Sarat Kumar Nanda & another**

...Petitioners

Versus

Union of India & others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Harsh Bungar, Advocate, for the petitioner.

AUGUSTINE GEORGE MASIH, J.

Petitioners have approached this Court praying for issuance of a writ in the nature of *mandamus* directing respondents No.7 and 8 – Banks for de-sealing the residential house of the petitioners, which has been, according to them, wrongly, illegally and arbitrarily sealed at their back without considering their genuine and *bona fide* request for settlement and/or payment of all dues (if any) after carrying out reconciliation and rendition of loan accounts.

A perusal of the writ petition would show that the petitioners have already approached the Debt Recovery Tribunal-II, Chandigarh (for short 'DRT-II, Chandigarh') challenging the action of the respondents by filing application(s) dated 15.02.2021 (Annexure P-12) in SA No.110 of 2018 seeking early hearing. The said applications were listed for hearing on 05.03.2021, however, the same were adjourned to 15.03.2021. On 15.03.2021, the Presiding Officer, DRT Jaipur, who is holding additional charge of DRT-II, Chandigarh, did not hold the Camp Court and the case has been adjourned to 15.04.2021. Petitioners are apprehensive that respondents No.7 and 8 may not

proceed with the sale the house of the petitioners.

Learned counsel for the petitioners could not dispute the fact that as of now, no notice for sale of the house has been issued by the Bank after taking over the physical possession of the property mortgaged i.e. House No.851, Sector 15, Faridabad. The next date of hearing before DRT-II, Chandigarh, admittedly, is 15.04.2021 and prior thereto, there is no possibility of the sale of the said house being carried out by the Banks. That apart, since the petitioners have already approached the DRT-II, Chandigarh, we do not find any exceptional circumstance to interfere in exercise of our extraordinary writ jurisdiction in the present case especially when the case is listed for hearing on 15.04.2021.

In the above facts and circumstances, we dismiss the present writ petition by requesting the DRT-II, Chandigarh to decide the applications fixed before the Tribunal on 15.04.2021 itself or on any other early date. The Tribunal may also consider the prayer of the petitioners for de-sealing their residential house in the integum especially in the light of the fact that the petitioners in this writ petition have stated that they are ready to settle and/or make payment of all dues (if any) after carrying out reconciliation and rendition of loan accounts.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

08.04.2021

Harish

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