

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

CWP-9385-2021

Date of decision: 26.07.2021

Gurinder Singh

.....Petitioner

versus

Punjab National Bank and others

....Respondents

CORAM: Hon'ble Mr. Justice Jaswant Singh
Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Viren Jain, Advocate
for the petitioner.

Mr. Ferry Sofat, Advocate
for respondents No.3 & 4.

(the aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court on account of restrictions due to COVID 19)

GIRISH AGNIHOTRI, J.

Petitioner-Gurinder Singh, stated to be aged 69 years, has filed the present petition *inter alia* with the prayer to issue a writ in the nature of certiorari for quashing the impugned notices dated 09.08.2019 and 30.10.2019 (Annexures P-2 & P-4 respectively), issued by respondent No.1-Bank.

Learned counsel for the petitioner, by making reference to the pleadings in the petition, submits that Tarlochan Singh (father of the petitioner), in the year 1983, was allotted a residential Plot No.296-D, Model Town Extension, Ludhiana, measuring 200 square years and the same was allotted by Atam Nagar, Cooperative House Building Society

Limited, Ludhiana.

As per the pleaded case, Tarlochan Singh was unable to raise funds for the construction of building on the said plot. Accordingly, the petitioner, son of Talochan Singh (then employed in Service under Punjab Agricultural University), prayed for part release of GP Fund of approximately Rs.51,800/ (rupees fifty one thousand eight hundred only). It is further pleaded that in the year 1985, the building was constructed and all the family members shifted in the building in the year 1985. Thereafter, on 14.12.2007, Talochan Singh died intestate.

The case projected by the petitioner in the writ petition is that it was only in August 2019, the petitioner came to know when a notice dated 09.08.2019 [under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 22 (in short, SARFAESI Act)] was pasted on the gate of the house. The said notice was from Punjab National Bank and the same is annexed here as Annexure P-2. On further inquiry, he came to know that younger brother of the petitioner- Harpreet Singh, had taken some credit facilities from Punjab National Bank and had accordingly got mortgaged the entire building i.e. H.No.296-D, Model Town Extension, Ludhiana, as collateral security. In the said credit, Gobind Kaur (mother of the petitioner) was projected to be the absolute owner.

After arguing for some time, learned counsel for the petitioner prays for permission to withdraw the present writ petition to avail alternate remedy available to the petitioner, in accordance with law.

Prayer made by learned counsel for the petitioner, is accepted.

The writ petition is dismissed as withdrawn with the liberty as prayed for.

(JASWANT SINGH)
JUDGE

(GIRISH AGNIHOTRI)
JUDGE

26.07.2021
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No