

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

**Civil Writ Petition No. 10694 of 2021 (O&M)
Date of Decision: 29.06.2021**

Surinder Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Ivneet Singh Pabla, Advocate
for the petitioner.

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

JASWANT SINGH, J. (ORAL)

The petitioner is stated to be the sole proprietor of the proprietorship concern engaged in the business of Scrap Dealing under the name and style of “*Parth Trading Company*” in the area of Kurukshetra (Haryana). The proprietorship concern had availed a loan of ₹ 45,11,076/- on 24.01.2017 from Dewan Housing Finance Corporation Limited (respondent No. 3), a Non-Banking Finance Company. The loan was to be repaid in 180 installments with Equated Monthly Installment (EMI) of ₹ 60,088/- per month. Due to the defaults in payment of monthly installment, the loan account was declared a Non-Performing Asset (NPA) on 29.03.2018.

It is submitted that a sum of ₹ 6 lacs was deposited in the loan account after having been declared as NPA.

Challenge in the present petition is to the order dated

(respondent No. 2), directing to provide the police assistance for taking over the physical possession of the mortgaged property measuring one (01) kanal. The said order, however, has not been implemented till now, inasmuch as the physical possession is still with the petitioner.

At the time of hearing, counsel for the petitioner realizing that the plea of non-issuing of notice by the District Magistrate, Kurukshetra before passing the order dated 13.03.2019 (P-1) is not available and even otherwise, the said order being appealable before the Debts Recovery Tribunal (DRT), as per the law settled by the Hon'ble Supreme Court in ***Kaniyalal Lalchand Sachdev Versus State Of Maharashtra, 2011 (2) SCC 782 (paras 20 to 22)***, therefore, prays for permission to withdraw the present writ petition in order to avail the remedies available in accordance with law.

Dismissed as withdrawn with the liberty, as prayed for.

(JASWANT SINGH)
JUDGE

June 29, 2021
'dk kamra'

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No