

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-34736-2019 (O&M)

Date of Decision: 13.09.2021

Jai Parkash Yadav and another

...Petitioners

Versus

State of Haryana and others

...Respondents

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

Present: Mr. P.R. Yadav, Advocate,
for the petitioners.

Mr. Vivek Saini, Addl. A.G., Haryana

Mr. Sandeep Suri, Advocate
for the respondent No.5-ICICI Bank.

None for respondents No. 6 and 8.

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

SANT PARKASH, J.

CM-12602-2021

Prayer in the present application is for early hearing of the matter, which has been listed for 25.11.2021.

Notice of the application.

Mr. Vivek Saini, Addl. A.G., Haryana, accepts notice on behalf of the respondent-State, whereas Mr. Sandeep Suri, Advocate accepts notice on behalf of respondent No.5-ICICI Bank.

Having heard the learned counsel for the parties and for the reasons mentioned in the application, the same is allowed. Hearing of the main case is preponed from 25.11.2021 to today itself.

CM-12604-2021 in/and CWP-34736-2019

This writ petition has been preferred under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of order dated 05.03.2019 (P-13) passed by the District Magistrate, Gurugram-respondent No.2 and notice dated 08.11.2019 (P-14) issued by Naib Tehsildar-cum-Executive Magistrate, Kadipur, District Gurugram for taking physical possession of House No.1263, Sector-10-A, Gurugram.

Brief facts as averred in the writ petition are that the petitioners are *bona fide* purchasers of House No.1263, Sector-10A, Gurugram from one Shakuntla Devi vide Sale-deed dated 04.10.2017. The petitioners had availed a total loan of Rs.85,00,000/- from the respondent No.6-Bank of Baroda. They deposited original and other documents with the Bank for creation of mortgage for the said housing loan. It is further averred in the petition that vide order dated 05.03.2019, the District Magistrate, Gurugram ordered for taking possession of the house in question on the ground that respondent No.5-ICICI Bank had a secured interest, on the property in question, which was created in favour of one of the previous vendors, namely, Ramesh Kumar Yadav-respondent No.7.

Today, during the course of hearing, learned counsel for the petitioners submits that the outstanding loan amount against the property in dispute has been repaid in full by the previous vendor-respondent No.7 and there are no further dues payable. He refers to a communication dated 25.08.2020 (P-18) issued by respondent No.5-ICICI Bank in favour of respondent No.7-Ramesh Kumar Yadav. He, thus, submits that the present writ petition has been rendered infructuous.

Learned counsel for the respondents do not dispute the above-

said factual position.

In view of the above, the present petition is disposed of as having been rendered infructuous. CM No.12604 of 2021 stands disposed of, accordingly.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

13.09.2021
mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO