

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 17743 of 2022 (O&M)

Date of Decision:23.08.2022

Rajesh Kumari and another

.....Petitioners

Versus

The District Magistrate, Sonipat and others

..... Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Sahil Khunger, Advocate
for the petitioners.

Mr. Akaant, Advocate
for respondents no.2 and 3.

LISA GILL, J(Oral).

Prayer in this writ petition is for quashing/ setting aside demand notice dated 04.08.2018, Annexure P-1, order dated 12.09.2019, Annexure P-2, passed by the District Magistrate, Sonipat and order dated 18.07.2022, Annexure P-12, whereby action taken by respondents no.2 and 3, is alleged to be illegal and in complete violation of law.

The matter, is admittedly pending before the learned Debt Recovery Tribunal-II, Chandigarh (for short 'the DRT-II').

Learned counsel for the petitioners submits that pursuant to order dated 01.04.2021 passed in CWP no. 2665 of 2020, petitioners approached learned DRT-II, Chandigarh. However, due to outbreak of pandemic COVID-19/Presiding Officer, DRT Jaipur holding additional charge/post of Presiding Officer being vacant, the matter could be taken up only on 26.04.2022 when notice was issued. None appeared on behalf of the

respondent-Bank despite notice. The matter is thus stated to be still listed before the Registrar, DRT-II, Chandigarh for 25.08.2022. Learned counsel for the petitioners submits that in the meanwhile, order dated 18.07.2022, Annexure P-12, has been passed for taking over possession of the property in question i.e., a residential house. The matter, it is submitted is not being taken up before the learned DRT-II, Chandigarh as the Bank has not put in appearance.

At this stage, Mr. Akaant, Advocate, appears on behalf of respondents no.2 and 3 and submits that there shall be appearance on behalf of the Bank before the learned DRT-II, Chandigarh on 25.08.2022 and it is open to the petitioners to take all available pleas before the learned DRT-II, Chandigarh. Learned counsel for the parties submit that arguments shall be addressed before the learned DRT-II, Chandigarh.

Keeping in view the above, the present writ petition is disposed of with a direction that matter be put up before the learned Presiding Officer, DRT-II, Chandigarh on 25.08.2022 for consideration. Needless to say, in case, prayer for interim relief is addressed by the petitioners before the learned Presiding Officer, DRT-II, Chandigarh, same be considered in accordance with law.

(LISA GILL)
JUDGE

(HARSH BUNGER)
JUDGE

August 23, 2022.
s.khan

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.