

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

CWP No. 29979 of 2019

Date of Decision: April 07, 2022

Shri Ashok Kumar Dehra and others

...Petitioners

Versus

District Magistrate, Patiala and another

...Respondents

**Coram: Hon'ble Mr. Justice M.S. Ramachandra Rao
 Hon'ble Mr. Justice H.S. Madaan**

Present:- Mr. H.S. Jagdev, Advocate for the petitioners.

 Mr. V.G. Jauhar, Sr. DAG, Punjab.

 Mr. Sandeep Suri, Advocate for respondent No. 2.

M.S. Ramachandra Rao, J. (Oral)

The grievance of the petitioners in this Writ Petition is that petitioner's objections filed under Section 13(3) of the SARFAESI Act, 2002 on 4.4.2019 to the notice issued under Section 13(2) of the SARFAESI Act, 2002 on 24.1.2019 have not been decided by respondent No. 2-Bank, and they had proceeded to issue notice under Section 13(4) of the SARFAESI Act, 2002 on 18.4.2019.

Learned counsel for respondent No. 2 states that the notice under Section 13 (4) of the SARFAESI Act, 2002 issued on 18.4.2019 may be set aside, and that respondent No. 2 will consider petitioner's objections dt.4.4.2019, and communicate its decision to the petitioners, and then if necessary issue a fresh notice under Section 13(4) of the SARFAESI Act,

2002.

Accordingly, the Writ Petition is allowed. The impugned notice dt.18.4.2019 under section 13(4) of the SARFAESI Act, 2002, and the consequential order dt.16.8.2019 issued under Section 14 of the SARFAESI Act, 2002 are both set aside. Respondent No. 2 is directed to consider petitioner's objections dt. 4.4.2019 within three weeks from today, and communicate its decision to the petitioners, and if necessary then issue notices under Section 13(4) of the SARFAESI Act, 2002 or take further action under Section 14 of the SARFAESI Act, 2002, if so advised.

No costs.

(M.S. Ramachandra Rao)
Judge

(H.S. Madaan)
Judge

April 07, 2022
P.Singh

Whether speaking/reasoned?

Yes/No

Whether Reportable?

Yes/No