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

CWP-297-2021 (O&M)
Date of Decision: **October 05, 2023**

SUDHIR KUMAR GANDHI ..... Petitioner

Versus

DISTRICT MAGISTRATE, GURUGRAM AND ORS

..... Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. Dinesh Maurya, Advocate for the petitioner.

Mr. Sukhdeep Parmar, Sr. DAG, Haryana.

Mr. Aditya Grover, Advocate for respondent No.2.

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LISA GILL, J.

1. Prayer in this writ petition is for setting aside notice dated 20.11.2019 (annexure P1) under Section 13(2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short – 'SARFAESI Act').

2. Learned counsel for respondent – Bank submits that this writ petition is rendered infructuous as impugned notice dated 20.11.2019 (Annexure P1) as well as notice dated 27.06.2019 issued under Section 13(2) of SARFAESI Act have been withdrawn due to technical defect therein and fresh notice dated 27.07.2023 under Section 13(2) of SARFAESI Act has been issued to the petitioner.

3. Learned counsel for the petitioner submits that third notice has also been incorrectly issued and the same should also be set aside.

4. Heard learned counsel for the parties.

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5. Apart from the fact that petitioner has efficacious remedy for redressal of his grievance(s) in respect to proceedings undertaken against him under the SARFAESI Act, subsequent notice dated 27.07.2023 is not the subject matter of challenge this writ petition, therefore, no ground for interference is made out.

6. Writ petition is, accordingly, disposed of as infructuous with liberty to the petitioner to avail statutory remedy/ies available to him in accordance with law in case of any grievance qua notice dated 27.07.2023 and subsequent proceedings, if any.

7. Pending application(s), if any, stand(s) disposed of.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

October 05, 2023
rts

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

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