

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CWP-1832-2022

Date of Decision: 15.09.2023

SURJIT MASIH AND ANOTHER

... Petitioners

VERSUS

RESERVE BANK OF INDIA AND ANOTHER

...Respondents

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

Present: Mr. B. S. Jaswal, Advocate
for the petitioners.

Mr. Anil Kumar Bhardwaj, Advocate
for respondent No.2.

LISA GILL, J.(Oral)

1. Prayer in this writ petition is for quashing notice dated 14.07.2021 (Annexure P-5) issued under Section 13(2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act), 2002 and setting aside the notice dated 03.12.2021 (Annexure P-8) sent by respondent No.2 for taking possession of the mortgaged property.

2. Learned counsel for the petitioners is unable to deny that in view of judgment of Hon'ble Supreme Court in **Phoenix ARC Private Limited Vs. Vishwa Bharati Vidya Mandir and others**, 2022 (5) SCC 345, the present writ petition wherein relief has been claimed against a Private Housing Finance Company is not to be entertained. Moreover, petitioners have efficacious remedies for redressal of their grievances under the SARFAESI Act.

3. In this view of the matter, this writ petition is accordingly dismissed with liberty to the petitioners to avail the efficacious statutory remedy/remedies available to them in accordance with law.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

15.09.2023
Rimpal

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