

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

CWP-1882-2023 (O&M)
Date of decision: 31.01.2023

Neelam Goyal @ Neelam Rani**Petitioner(s).**

vs.

State Bank of India and another**Respondents.**

**CORAM: - HON'BLE MR JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE SANJIV BERRY**

Present: - Mr. Mukand Gupta, Advocate, for the petitioner.

Mr. Gaurav Goel, Advocate, for the respondents.

TEJINDER SINGH DHINDSA, J. (ORAL)

Instant writ petition has been filed assailing the proceedings initiated by the creditor-State Bank of India, under the provisions of the SARFAESI Act, 2002, (for short 'the Act') and which have ultimately culminated in an auction sale notice dated 07.01.2023 (Annexure P-5).

The precise case projected on behalf of the petitioner(s) is that the property in question is agricultural in nature and in view of the specific bar contained under Section 31(i) of the Act, it was not open for the Bank to put agricultural land on sale to satisfy the debt.

Since an advance copy of the petition already stood served upon the respondent-Bank, Mr. Gaurav Goel, Advocate, has entered appearance and has furnished for perusal of the Bench a number of

documents that had been submitted on behalf of the petitioner(s) at the

time of sanction of the loan. A complete set of documents were even furnished to counsel opposite.

The documents which are in the nature of an application dated 22.08.2014 by one of the petitioner(s) to the Manager, State Bank of Patiala Branch, Bathinda, an affidavit dated 07.08.2014, a no objection by way of an affidavit dated 07.08.2014, a Letter of Arrangement dated 09.02.2018, accompanied by terms and conditions at Annexure-A, Annexure-B as also a site plan stated to be part of a valuation report. All the documents afore-noticed are taken on record as Annexure 'A'. Suffice it to observe that each of the aforementioned documents carries the signatures of the petitioner(s).

A collective perusal of the documents would clearly reveal the description of the property to be vacant commercial land, falling within the municipal limits of MC Bathinda. In the terms and conditions (Annexure-A along with the Letter of Arrangement) the property stands described as vacant commercial land near Balaji Panchmukhi Mandir, Main Road, Lal Singh Basti, Bathinda. Even the site plan along with the valuation report carrying the signatures of the petitioner reflects the mortgaged property to be vacant plots.

In the light of such documents furnished by the counsel for the Bank, we are unable to accept the contentions raised on behalf of the petitioner(s) that the mortgaged property is agricultural in nature and for the bar under Section 31(i) of the SARFAESI Act, 2002, to apply.

We do not find any merit in the instant petition.

Dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

(SANJIV BERRY)
JUDGE

31.01.2023

preeti

whether speaking/non speaking

whether reportable/non reportable

yes/no

yes/no