

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CWP-4077-2022 (O&M)
Date of Decision: 24.11.2023

LALIT MOHAN SINGLA AND ANOTHER

... Petitioners

VERSUS

TATA CAPITAL FINANCIAL SERVICES LTD. AND ANR.

....Respondents

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

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

Mr. Nitin Thatai, Advocate
for respondent No.1 (through Video Conferencing).

LISA GILL, J.(Oral)

1. Prayer in this writ petition is for quashing letter dated 16.10.2021 (Annexure P-11) and notice dated 25.02.2022 (Annexure P-12) vide which physical possession of the property is sought to be taken.

2. Learned counsel for the petitioners candidly states that e-auction of mortgaged property was successfully conducted on 30.04.2023 for a sum of Rs.2,00,90,500/-. After fulfilment of liability of petitioners, a sum of nearly Rs.70 lakhs has to be refunded to them, therefore, at this point of time claim of petitioners in this writ petition is only qua refund of the said amount.

3. However, it is pointed out by learned counsel for respondent No.1 while referring to the written statement filed on behalf of respondent No.1 that when the auction purchaser applied for transfer

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of property in question in her favour, it transpired that petitioners have outstanding dues towards the Income Tax Department as on 31.05.2018 for a sum of Rs.67,25,261/- and due to non-payment of said amount, Income Tax Department has marked its lien over the mortgaged property.

4. There is a request for adjournment by learned counsel for petitioners on the premise that petitioners are in the process of settling the matter with Income Tax Department.

5. Be that as it may, we do not find any justification for continuation of present proceedings which are indeed rendered infructuous. Writ petition is accordingly disposed of as infructuous without expression of any opinion on the merits of the matter or even entertainability thereof.

6. Petitioners are at liberty to pursue the matter regarding refund of the amount due to them, if any, in accordance with law.

7. Pending applications, if any, stand disposed of accordingly.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

24.11.2023

Rimpal

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