

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

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2023:PHHC:041468-DB

CWP No. 3737 of 2023 (O & M)

Date of Decision: 21.03.2023

Asha Bhasin and others

.....Petitioner(s)

Versus

The Authorized Officer, Reliance Asset Reconstruction Ltd. and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Sahil Khunger, Advocate,
for the petitioners.

Mr. Shahrukh Inam, Advocate,
for respondent Nos.1 and 2.

G.S.SANDHAWALIA, J. (Oral)

CM-3899-CWP-2023

Application for placing on record relevant documents as
Annexures P-12 and P-13 is allowed, subject to all just exceptions.

Annexures P-12 and P-13 are taken on record.

CM stands disposed of.

CWP No. 3737 of 2023

Prayer in the present writ petition filed under Articles 226 and 227 of the Constitution of India is to set aside the e-auction dated 13.05.2022 (Annexure P-7) and the order dated 30.01.2023 (Annexure P-9) passed by the Tehsildar and for issuance of directions to revert back the physical possession of the mortgaged property which was taken in pursuance to the order passed by the Tehsildar, Ambala City.

Counsel for respondent Nos.1 and 2 has supplied us a copy of

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Security Interest (Enforcement) Rules, 2002 in favour of one Mr. Rajiv Walia regarding the property which was put to auction which was H.No. 263, Sector-9, Urban Estate, Ambala City. The said property was put to sale at the reserve price of Rs.70,00,000/- as per the auction notice dated 13.05.2022 (Annexure P-7) and has now been sold at Rs.99,00,000/-. The auction purchaser is not a party before this Court.

Keeping in view the above, we are of the considered opinion that in view of the provisions of Section 17, there is alternate remedy available to the petitioners to challenge the action of the bank in view of the law laid down in *Union Bank of India vs. Satyawati Tandon and others, (2010) 8 SCC 110*. Resultantly, we do not wish to interfere under Articles 226 and 227 of the Constitution of India, specially when the affected party is not before us also.

In such circumstances, counsel for the petitioners prays for withdrawal of the present writ petition with liberty to avail alternate remedy

Ordered accordingly.

(G.S. SANDHAWALIA)
JUDGE

21.03.2023
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(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No