

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

(123)

CWP-6637-2023

Decided on : 08.05.2023

Sushil Kumar

.....Petitioner(s)

Versus

State of Haryana & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE GURBIR SINGH**

Present: Mr.Pawan Attri, Advocate for the petitioner (s).

Mr.Chandeep Singh, Advocate, for respondent No.5-Bank.

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition filed under Article 226 of the Constitution of India has been made to the securitization proceedings. As per the sale notice dated 23.11.2022 (Annexure P-2), the outstanding was Rs.41,51,938/- as on 12.12.2018.

2. The following order was passed on 10.04.2023:

“Challenge in the present writ petition is to the securitization proceedings whereby residential property of the petitioner has been auctioned.

Mr. Chandeep Singh, Advocate on advance notice has put in appearance and placed on record certificate of sale dated 22.03.2023 in favour of one Mukesh for Rs.20,85,000/-. It is further pointed out that possession was already taken way back on 23.12.2019 and photocopy of the *Panchnama* has also been placed on record. The same is contrary to the averments made in the writ petition that the possession is with the petitioner.

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Counsel for the petitioner on instructions from the petitioner, who is present in the Court submits that in order to show his bonafides the petitioner would produce a demand draft of `22 lakhs on the next date of hearing.

Counsel for the respondent-Bank submits that there are further outstandings and prays for time to apprise the Court regarding the exact outstanding amounts on the next date of hearing.

Adjourned to 08.05.2023.”

3. Counsel for the petitioners very candidly admits that the said order has not been complied with and the petitioners were not able to arrange the funds.

4. Accordingly, keeping in view the above, since there is an alternative remedy available under Section 17 of the Securitization and Re-construction of Financial Assets and Enforcement of Security Interest Act, 2002 and inspite of a life-line which had been offered to the petitioners on 10.04.2023 but the same has not been encashed. Resultantly, we have no other option but to dismiss the writ petition with liberty aforesaid, in view of the law laid down by the Apex Court in SLP (Civil) Nos.22021-22022 of 2022 titled *M/s South Indian Bank Ltd. & others Vs. Naveen Mathew Philip & another*, decided on 17.04.2023.

(G.S. SANDHAWALIA)
JUDGE

(GURBIR SINGH)
JUDGE

08.05.2023
sailesh

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No