

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

258

2023:PHHC:075078-DB

CWP-22391-2020 (O & M)
Date of Decision: 24.05.2023

Kotak Mahindra Bank Ltd.

.....Petitioner(s)

Versus

Deputy Commissioner-cum-District Magistrate, Patiala and others

....Respondent(s)

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

Present: Mr. Nitin Ahluwalia, Advocate,
for the petitioner-Bank.

Mr. Navneet Singh, Sr. DAG, Punjab,
and Mr. Abhay Pal Singh Gill, DAG, Punjab.

Mr. H.S. Jagdev, Advocate,
for Mr. Aalok Jagga, Advocate,
for respondent No.4.

G.S.SANDHAWALIA, J. (Oral)

1. Directions sought in the present writ petition filed under Articles 226 and 227 of the Constitution of India are for issuing directions to respondent No.1 to decide the application filed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'the Act') and to take over the mortgaged property.

2. Short reply on behalf of respondent No.4 has been filed in Court. The same is taken on record.

3. We do not see any valid reason why the District Magistrate, Patiala should not decide the said application which was filed on 27.11.2019

(Annexure P-7) since especially the possession notice dated 24.09.2019

(Annexure P-6) has already been issued, which would go on to show that there are outstandings of Rs.1,30,07,645.41/- as on 31.05.2019.

4. Keeping in view the above, it is always open to the private respondents to put forth their case before the District Magistrate if they have any justifiable defence. The needful be done within a period of 4 weeks.

5. Disposed of with the aforesaid liberty.

(G.S. SANDHAWALIA)
JUDGE

24.05.2023
shivani

(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No