

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

CWP-25307-2022

Date of Decision: 21.03.2023

Mangat Rai

.....Petitioner

Vs.

State Bank of India and others

.....Respondents

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

Present: Mr. Pardhuman Garg, Advocate,
for the petitioner.

Mr. Chandeeep Singh, Advocate,
for respondents No. 1 and 2.

G.S.SANDHAWALIA, J. (ORAL)

1. The challenge in the present petition is for setting aside the sale certificate, dated 01.09.2020 (Annexure P-3), on the ground that it has been executed by the respondent-Bank in favour of respondent No. 4 in collusion with respondent No. 5 who has stood guarantor.

2. A perusal of the paper-book would go on to show that the notice under Section 13 (2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, (hereinafter referred to as the Act of 2002) has been issued way back on 17.06.2013 (Annexure P-1) asking the petitioner to pay a sum of ₹53,86,756.47/- along with the further interest from 01.05.2013.

3. Apparently, thereafter the property has been sold to the private respondents for ₹38,48,000/- and even sale certificate dated 01.09.2020 (Annexure P-3) had been issued under Rule 9 (6) of the Security Interest

(Enforcement) Rules 2002, in favour of the private respondents.

4. Thus, the legal notice now has been served on 02.08.2022 (Annexure P-4), having some objections.

5. We are of the considered opinion that the possession has taken long back and the petitioner had an alternative remedy available under Section 17 of the Act of 2002, which he never availed. Merely by serving the legal notice as such would not extend the limitation and give a cause of action.

6. In such circumstances, we are of the considered opinion that no case is made under Article 226/227 of the Constitution of India for issuance of a writ in the nature of '*Certiorari*'.

7. Consequently, the petition is dismissed

(G.S. SANDHAWALIA)
JUDGE

March 21, 2023
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No