



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

122**CR-1121-2024 (O&M)****Date of Decision : 29.07.2024**

M/s SHIV SHAKTI MEDICAL SOCIETY AND ANR Petitioners

VERSUS

PUNJAB NATIONAL BANK, MANSA AND ANR Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Saurabh Bajaj, Advocate for the petitioners.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 02.03.2021 (Annexure P-9/A) passed by the learned Additional District Judge, Mansa under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as 'the SARFAESI Act').

2. Few facts need to be noticed in the present case. In the year 2010 the petitioners availed a loan to the tune of ₹18.59 crore. Subsequently, it was declared as Non-performing Asset (NPA) and proceedings under the SARFAESI Act were initiated. The petitioners approached this Court by filing CWP-19305-2014 challenging the order dated 12.03.2014 passed by the Debts Recovery Tribunal-II, Chandigarh whereby an interim order in favour of the petitioners was vacated and physical possession of the educational institute i.e. petitioner No.1 herein run by petitioner No.2 was ordered to be taken. The said writ petition was disposed off vide order dated

17.09.2014 wherein it was noticed that earlier the same very order was challenged by filing Civil Revision being CR-2009-2014 which was dismissed on 04.09.2014. The Division Bench of this Court noticing that the petitioners without availing the remedy of appeal challenged the order, which was already subject matter of the earlier petition, dismissed the petition by imposing ₹1,00,000 as costs. The Division Bench further directed initiation of proceedings of commission of criminal contempt for filing a frivolous writ petition. Thereafter CWP-15590-2020 was preferred seeking quashing of e-auction sale notice dated 27.08.2020 which was also dismissed vide a detailed order dated 14.12.2020. Thereafter CWP-7982-2021 was preferred in which notice of motion was issued and auction proceedings were stayed. The said writ petition is still pending, however, the interim order stands vacated vide order dated 06.10.2023. After the interim order in CWP-7982-2021 was vacated, the present revision petition has been filed challenging the order dated 02.03.2021 on the ground that the land is agricultural land.

3. On a query put by the Court as to whether the plea of the land being agricultural had been raised in the earlier litigation, learned counsel for the petitioners is not in a position to deny that the plea of the property in dispute being agricultural has been raised since the very beginning. There is also no explanation forth coming as to why once the stay was vacated by this Court in CWP-7982-2021, the present revision petition has been filed and no application for amendment was filed in the writ petition challenging the order impugned herein.

4. It appears that the petitioners are indulging in forum shopping having filed multiple litigations before this Court in a vain attempt to secure a favourable order. The conduct of the petitioners is writ large.

5. Faced with the same, learned counsel for the petitioners seeks permission to withdraw the present revision petition.

6. This Court refrain itself from commenting on the conduct of the petitioners. Dismissed as withdrawn. Pending applications, if any, also stand disposed off.

29.07.2024

Aman Jain

(ALKA SARIN)

JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*