

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CWP-11228-2024**
Date of Decision: 14.05.2024**MANJIT SINGH DHILLON**

..... Petitioner(s)

Versus**CANARA BANK AND ANOTHER**

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MS. JUSTICE AMARJOT BHATTIPresent: Mr. Hariom Sharma, Advocate
for petitioner.Mr. Rakshit Gupta, Advocate
for respondent no.1-Bank.

LISA GILL, J.

1. Petitioner who is auction purchaser in the auction which was conducted on 22.09.2023 as per E-auction notice dated 31.08.2023 (Annexure P-1), it is submitted deposited 25% of the amount in question and a sum of ₹50 lakhs over and above. However, respondent-Bank is unable to give possession of property in question, therefore, rest of the amount could not be deposited. In an absolutely illegal manner respondent-Bank is claimed to have issued notice dated 19.04.2024 (Annexure P-12), for re-auction of property. Thus aggrieved, petitioner has filed this writ petition seeking execution of sale deed in his favour and setting aside action of respondent-Bank in seeking re-auctioning the property in question. Proceedings are being undertaken under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the SARFAESI Act).

2. Keeping in view judgment of Hon’ble the Supreme Court in *Agarwal Tracom Pvt. Ltd. Vs. Punjab National Bank and others (2017) 11 SCR 164*, wherein it has been held that any person aggrieved of any action taken under Section 13(4) of SARFAESI Act, has to avail the remedy/ies available under the Act, learned counsel for petitioner seeks to withdraw this writ petition with liberty to petitioner to avail the remedy available to him in accordance with law.
3. Writ petition is accordingly dismissed as withdrawn with the liberty as aforementioned.
4. It is clarified that there is no expression of opinion on the merits of matter.

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

14.05.2024
Sunil

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No