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

CWP-13657-2022 (O&M)

Date of Decision:- 28.05.2024

ANUP CHOUHAN

...Petitioner

Vs.

STATE OF HARYANA AND OTHERS

...Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MS. JUSTICE AMARJOT BHATTI**

Present:- Mr. Lalit Kumar Yadav, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Ms. Neha Arora, Advocate for Mr. K.P.S. Dhillon, Advocate
for the respondent – Bank.
(Through V.C.)

LISA GILL, J.

1. Prayer in this writ petition is for quashing alleged arbitrary unilateral action of respondent authorities of putting seals on the main gate and all doors of sole dwelling house of petitioner. There is further prayer for directing respondents to handover possession of the said House.

2. Admittedly S.A. No.115-2022 filed by petitioner is pending adjudication before learned DRT-2, Chandigarh ('DRT'). Petitioner is aggrieved of interim order not being granted in his favour by learned DRT. Petitioner's application seeking interim relief was dismissed by learned DRT on 06.06.2022. Admittedly, said order is an appealable one.



3. Learned counsel for respondent points out that possession of property had been taken earlier by respondent – Bank. However, petitioner trespassed into secured asset and took forcible possession thereof. Parties were directed to file requisite affidavit (s) in this regard.

4. Affidavit dated 03.10.2023 of Mr. Sumit Kumar, Assistant Manager, (Legal & Recovery) was filed stating therein that a complaint in this regard had also been lodged with Police Authorities on 26.08.2023. An affidavit dated 22.05.2024 has been filed by petitioner stating that in the month of September, 2022 one portion of the house (secured asset) towards one side was severely damaged due to flow of water. He was informed of damage by neighbours. Subsequent thereto, petitioner informed the Bank Manager, who reverted by saying that petitioner may take whatever steps as may be necessary. Petitioner on proceeding to the spot realised that there is no lock on the house of the deponent, therefore, allegations that the lock had been broken and trespass committed is denied. Repair work was thus got carried out by petitioner who thereafter started residing in the house without any complaint from the concerned Bank. It is submitted that police officials also found the complaint submitted by the Bank to be incorrect, though, learned counsel for the State submits that he does not have any instructions in this regard.

5. Learned counsel for petitioner submits that as possession of the asset had not been taken forcibly, petitioner is ready and willing to handover vacant peaceful possession of the property to respondent – Bank within 15 days from today itself.

6. Keeping in view the facts and circumstances of the case, this writ petition is dismissed with liberty to petitioner to pursue S.A. No.115-



2022 filed by him in accordance with law and avail remedy (ies) as may be available to him, if so advised, in respect to decline of interim relief to it by learned DRT. It is further directed that petitioner shall handover vacant peaceful possession of the property in question to respondent Bank at 11 am on 11.06.2024. There is no expression of opinion on the merits of the matter pending before learned DRT. Petitioner is at liberty to raise all available pleas before learned DRT.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

28.05.2024

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Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No