

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

109

CWP No.13677 of 2020(O&M)
Date of Decision: 08.01.2024

Ajay Kumar

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE LALIT BATRA

Present: Ms. Shivya Sehgal, Advocate and
Mr. Vaibhav Sehgal, Advocate for the petitioner.

Mr. Maninder Singh, Deputy Advocate General, Punjab.

Mr. Ashok Kumar, Advocate, for respondents No.4 to 6.

Sureshwar Thakur, J.(Oral)

1. After hearing the learned counsel for the petitioner for a considerable length of time, she has been unable to persuade this Court, to issue notices upon the respondents, especially qua the trite premise, that in the instant writ proceedings, which are purely summary in nature, the *ex facie* disputed question of fraudulence, if any, gripping the sale certificate, yet hence can become tried, conspicuously when the above contest is amenable to be raised, and, also is amenable of becoming rested, only in civil proceedings being raised at the instance of the petitioner rather before the Civil Court of competent jurisdiction.

2. Therefore, with liberty aforesaid, the instant writ petition is disposed of.

3. However, if the respondent – lending institution, has made any admission in its reply on affidavit, that the purported discrepancy, is generated by any *bona fide* mistake, thereupon, it is open to the respondent –

lending institution concerned to cure the said *bona fide* defect.

4. Furthermore, representations, if any, moved by the present petitioner before the competent authorities may also be decided expeditiously but through a reasoned decision, thus becoming drawn thereons, by the Competent Authority(ies).

(SURESHWAR THAKUR)
JUDGE

(LALIT BATRA)
JUDGE

08.01.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No