

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

(220)

**2024:PHHC:003072-DB
CWP-19327-2017
Date of Decision: 10.01.2024**

Rukshina

--Petitioner

Versus

State of Haryana & others

--Respondents

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

Present:- Mr. Rajesh Lamba, Advocate for petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Anurag Jain, Advocate for respondent no.3.

LISA GILL.J (Oral)

This writ petition has been filed by the petitioner challenging order dated 25.06.2015 passed by District Magistrate, Faridabad under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (for short SARFAESI Act) with a further prayer for restraining the respondent-Bank from confirming auction of the property which was conducted on 10.04.2017 with the allegation that notice of the sale was never served upon the petitioner.

2. Short reply on behalf of respondent no.3-Bank has been filed, *inter alia* stating that writ petition is not entertainable as the sale in question has been carried out and possession delivered to the auction purchaser. Sale Certificate dated 28.4.2017 is attached as Annexure R-3/5. Possession of the property was taken on 12.6.2017. It is alleged that forged and fabricated documents had been created by the petitioner to reflect the property to have been sold to one of her relative.

3. Learned counsel for respondent no.3, at this stage also points out that the amount which was received from the sale was duly credited to the account of petitioner and has since been utilized by her.

4. Learned counsel for petitioner is unable to deny that availing of credit facility from respondent-Bank is a matter of record as is the financial indiscipline thereafter on the part of the petitioner. Counsel is unable to deny that petitioner did have an efficacious remedy for redressal of the grievances under the SARFAESI Act itself. Furthermore, this writ petition was filed on 16.8.2017 i.e. subsequent to the sale in question being conducted, confirmed and possession of the property being taken as well.

5. Learned counsel for petitioner is unable to point out any other ground which calls for interference by this Court in exercise of jurisdiction under Article 226 of the Constitution of India.

6. Writ petition is accordingly dismissed. There is no expression of opinion on merits of the matter.

(LISA GILL)
JUDGE

10.01.2024
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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No