

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

136

CWP-25701-2024 (O&M)
Date of Decision: 03.10.2024.

Sohan Lal

...Petitioner.

Versus

Bank of Baroda and others

...Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. J.S. Thind, Advocate the petitioner.

Mr. Vishal Ahuja, Advocate
for respondent-bank.

Mr. Deepak Malhotra, Standing Counsel
for respondents No.2 and 3.

LISA GILL, J. (Oral)

1. Prayer in this writ petition is for quashing possession notice dated 09.02.2024 (Annexure P4) issued under Section 13(4) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and letter dated 29.07.2024 (Annexure P7) issued by respondent No.2, pursuant to order dated 01.07.2024 passed by District Magistrate, U.T., Chandigarh.

2. It is submitted that this writ petition has been filed because the learned DRT-II is non-functional since 14.08.2024. Despite undertaking given on behalf of respondent-bank before learned DRT-II on 10.05.2024 that 15 days notice would be given in writing before taking possession of the property, possession thereof is sought to be taken today.

3. Learned counsel for respondent-bank, on instructions from Mr. Vishal Jalhotra, Chief Manager of respondent-bank, submits that possession

of the property is not being taken today or for next 15 days. SA No.231-2024 filed by petitioner is stated to be pending before learned DRT-II on 15.10.2024. It is submitted that no coercive action shall be taken till 15.10.2024 or for next 15 days.

4. At this juncture, we take note of order dated 30.09.2024 passed in CWP-25240-2024, relevant portion of which reads as under:-

“At this stage, we take note of the piquant situation which has arisen due to non-functioning of learned DRT-II leading to a flood of writ petitions by adversely affected parties before this Court with no timeline available to indicate when learned DRT-II shall become functional. In the peculiar circumstances as above and in order to obviate unnecessary delays and difficulties to affected litigants, it is directed that earlier arrangement where additional charge of learned DRT-II had been given to DRT-I shall continue till the next date of hearing or any decision taken by Cabinet Committee for Appointments, whichever is earlier.”

5. In view of above, we do not find any ground to interfere in this writ petition, for the relief as claimed. Petitioner would be at liberty to file appropriate application before learned DRT-II in respect to the grievance(s) as raised in this writ petition, to be considered by learned DRT-II in accordance with law.

6. Writ petition is disposed of accordingly, without expression of any opinion on the merits of the matter.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

03.10.2024.

komal

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