

115 (2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-17683-2023(O&M)
Date of Decision: 09.01.2024

Religare Finvest Ltd.
..... Petitioner
Versus
State of Haryana and Others
..... Respondents

(2) CWP-26363-2023(O&M)
Gyankund Trust to Educate and to Serve and Anr.
..... Petitioners
Versus
State of Haryana and Others
..... Respondents

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

Present: Mr. Sanjeev Singh, Advocate and
Mr. Sameer Mahajan, Advocate
for the petitioners in CWP-17683-2023 and
for respondents No.5 and 6 in CWP-26363-2023.

Mr. Anand Chhibbar, Sr. Advocate with
Mr. Animesh Sharma, Advocate
for respondent No.8 in CWP-17683-2023 and
for petitioner in CWP-26363-2023

Mr. Sukhdeep Parmar, Sr. DAG, Haryana.

LISA GILL, J.

1. This order shall dispose of CWP-17683-2023 and CWP-26363-2023 which are taken up together at request and with consent of learned counsel for parties. CWP-17683-2023 has been filed by the Financial Institution seeking compliance of order dated 12.05.2023 passed under Section 14 of Securitization and Reconstruction of Financial Assets

and Enforcement of Security Interest Act (SARFAESI Act), 2002 Act. CWP-26363-2023 has been filed by the borrowers challenging order dated 30.10.2023 passed by learned Debts Recovery Tribunal-2, Chandigarh (DRT) dismissing SA No.212 of 2022 filed by them. Borrowers also seek setting aside the entire proceedings under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (for short - 'SARFAESI Act') initiated against them by respondent-Financial Institution. Possession of the property it is submitted is slated to be taken on 12.01.2024.

2. During the course of hearing, it is informed by learned counsel for parties that consensus has been arrived at between the borrowers and Financial Institution. It is agreed that possession of land measuring 120 kanals 16 marlas out of total 152 kanals, 16 marlas claimed by Financial Institution shall be handed over to the Financial Institution on 11.01.2024 at 12:00 Noon in the presence of District Manager HAFED who has been appointed Duty Magistrate. Details of said land measuring 120 kanals 16 marlas as furnished by learned counsel for parties in court, today duly initialed by counsel is as under:-

"1. Land Measuring 16 Kanal 0 Marla comprising in Khevat No.473, Khatoni No.779, Murabba No.7, Khasra No.17/1(4-0), 18/1(4-0), 19/2(4-0), 20/1(4-0) as per Jamabandi of the year 2002-2003 and Sale Deed No.8911 dated 22.12.2006.

2. Land Measuring 03 Kanal 09 Marla comprising in Khevat No.460, Khatoni No.753, 756, Khasra No.6//16/Min South (3-9) as per Sale Deed No.8912 dated 22.12.2006.

3. Land Measuring 41 Kanal 10 Marla being 830/2398 out of total land 119 Kanal 18 Marla comprising in Khevat No.310, Khatoni No.540 as per Jamabandi of the year 2002-2003 Murabba No.26, Khasra No.2(7-11), 3(7-11), 4(7-11), 9(7-11), 8(7-9), 14/1 Min (3-17), Kitte 6 as per Sale Deed No.3247 dated 31.07.2007.

4. *Land Measuring 04 Kanal 3-1/2 Marla being 167/3444 share out of total land 86 Kanal 02 Marla comprising in Khevat No.460 Salam, as per Jamabandi of the year 2002-2003, Murabba No.6, Khasra No.16/1(3-19), 16/3(0-4-1/2) as per Sale Deed No.10226 dated 20.02.2007.*

5. *Land Measuring 18 Kanal 5 Marla being 65/2398 share out of total land 119 Kanal 18 Marla comprising in Khevat No.310, Khatoni No.540 as per Jamabandi of the year 2002-2003 vide Khasra No.7/16, 25, 26/7, 14/1 Kitte 4 as per Sale Deed No.5457 dated 12.11.2007.*

6. *Land Measuring 06 Kanal 04 Marla comprising in Khevat No.460, Khatoni No.754, Murabba No.27, Killa No.06 Min East (6-4), Kitte -1, as per Sale Deed No.4588 dated 01.10.2007.*

7. *Land Measuring 31 Kanal 11 Marla being 631/1722 share out of total land 86 Kanal 02 Marla comprising in Khevat No.460, Khatoni No.753, 754, 754, 755, 756, Murabba No.6, Khasra No.25(8-0), Murabba No.26, Khasra No.1(7-11), 10(8-0), Murabba No.27, Khasra No.5(8-0) as per Sale Deed No.9781 dated 31.01.2007.”*

3. It is further agreed that handing of possession of remainder of land measuring 32 kanals as claimed by Financial Institution and disputed by borrowers shall be rescheduled for 30.01.2024 subject to any order which may be passed by learned DRAT which shall be approached by borrowers for the purpose of challenging order dated 30.10.2023 in accordance with law. Description of land measuring 32 kanals of land as furnished by learned counsel for the parties is as under:-

“1. *Land Measuring 32 Kanal 0 Marla comprising in Khevat No.473, Khatoni No.779, Murabba No.7, Khasra*

No.21(8-0), 22(8-0), 23(8-0), 24(8-0) as per Jamabandi of the year 2002-2003 and Sale Deed No.8911 dated 22.12.2006.”

4. In view of consensus which has been arrived at as above, both writ petitions are disposed of in the said terms without expression of any opinion on merits of the matters or even entertainability of CWP-26363-2023. Needless to say petitioners in the said writ petition are at liberty to avail the remedy(ies) as available to them to challenge order dated 30.10.2023 and for redressal of their grievance(s) in accordance with law.

6. Photocopy of this order be placed on the connected case file numbered above.

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

09.01.2024

Sunil Devi

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