

STATE BANK OF INDIA V/S STATE OF HARYANA AND OTHERS

Present: Mr. Manuj Nagrath, Advocate for the applicant/respondent No.7.

Mr. Chandeeep Singh, Advocate for non-applicant.

The applicant is seeking review of the order passed by this Court on 25.09.2024 whereby directions had been issued to respondent No.5 to provide police help to the non-applicant/petitioner to enable him to take possession of the property in accordance with law. He further submits that the non-applicant/petitioner had approached this Court by preferring CWP No.24821 of 2024 seeking police help to enable him to take possession of the premises but had not disclosed the correct facts. In the petition, reference had been made to filing of the Securitization Application (S.A.) as well as its dismissal by the DRT but the factum of the applicant preferring review application before the DRT was not mentioned. He, therefore, submits that due to this concealment, the order passed by this Court be reviewed.

Issue notice to the non-applicant(s).

Mr. Chandeeep Singh, Advocate accepts notice on behalf of non-applicant/petitioner. He submits that the factum of filing of S.A. by the applicant and its dismissal had been duly mentioned in the writ petition and therefore, it cannot be said that the applicant did not come to the court with clean hands. He also submits that the sale certificate had been issued on 26.02.2024 which is prior to the filing of the review of S.A. on 15.04.2024.

Heard.

The non-applicant/petitioner had preferred the writ petition seeking direction to official respondents to provide police help to enable him to take possession of secured assets in compliance of the order passed by the District

Magistrate under Section 14 of the SARFAESI Act dated 30.10.2023. It is trite

that the order passed by the Magistrate is administrative in nature and has to be given effect to. That the applicant had preferred a S.A. before the DRT which had been dismissed was duly disclosed in the writ petition. The applicant may have preferred a review application before DRT on 15.04.2024 but since no stay had been granted by the DRT, therefore, its non-disclosure in the writ petition would not be fatal to the proceedings. It is worthwhile to note that the property had been put to auction and the sale certificate had also been issued to the auction purchaser on 26.02.2024.

Consequently, we do not find any merit in the review application which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

21.11.2024
SwarnjitS