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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 8625/2024 & CRL.M.A. 35319/2024 (Exemption)**

SUNIL PANDEY & ORS.

..... Petitioners

Through: Mr. Ashutosh Kumar Mishra, Mr.
Rishabh Shukla, Ms. Radhika Goel,
Ms. Anjali Rawat and Mr. Arghay
Ajay Gautam, Advocates

versus

GIC HOUSING FINANCE LTD & ORS.

..... Respondents

Through: Ms. Tanya, Advocate for R-1
(through VC)

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

12.06.2024

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1. The present petition under Article 226 of Constitution of India seeks the following prayers:-

“A. To pass an order in the nature of Writ of Certiorari, quashing the impugned order dated 23.01.2024 passed by the Ld. Chief Metropolitan Magistrate, South East District, Saket, New Delhi.

B. To direct the Ld. Chief Metropolitan Magistrate, South East District, Saket to take cognizance of the fraud being committed by Respondent no. 1.

C. To pass an order in the nature of Writ of Mandamus, directing Respondent no. 3, to investigate the instant fraudulent activity of W.P.(C)-8625/2024 the Respondent no. 1 Company, in order to unveil any nexus operating with the aim to defraud people.

D. To pass any such further order as the Hon'ble court may deem just, fit, and proper in the interest of justice.”

2. Learned counsel appearing on behalf of the petitioner submitted that



the subject property of the impugned order dated 23.01.2024 passed by learned Chief Metropolitan Magistrate, South-East, under the SARFAESI Act belongs to them.

3. It is further submitted that the petitioners are registered owners of the said property and that the proceedings under the SARFAESI Act with respect to respondent no. 2 have no connection with their property.
4. Learned counsel appearing on behalf of respondent no. 1 submits that respondent no. 2 herein has already approached the DRT-2 by way of SA No.74/2024 with respect to the same subject property.
5. In view of the above, learned counsel appearing on behalf of the petitioner seeks leave to withdraw the present petition with liberty to initiate appropriate proceedings in accordance with law before the concerned DRT with respect to the same relief as claimed herein.
6. Leave and liberty granted.
7. The present petition is dismissed as withdrawn with the liberty to approach DRT-2. Let the same be done within a period of one month. No coercive steps shall be taken till the filing of appropriate proceedings before DRT-2. Thereafter, the interim direction shall be subject to the order of DRT-2 in accordance with law.
8. The petition is disposed of accordingly.
9. Pending applications, if any, also stand disposed of accordingly.
10. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J
(VACATION JUDGE)

JUNE 12, 2024/pu

Click here to check corrigendum, if any