

113 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.4422 of 2025 (O&M)

Date of Decision: 18.02.2025

GANESH TOWEL STORE

....Petitioner

Versus

DISTRICT MAGISTRATE, CHANDIGARH AND ANR Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Mandeep Nagpal, Advocate and
 Mr. Chetan Sehgal, Advocate for the petitioner.

 Mr. Parminder Singh Kanwar, Addl. Standing Counsel and
 Mr. Karanvir Singh, Advocate for respondent No.1-UT Chd.

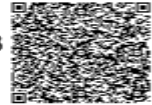
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ANUPINDER SINGH GREWAL, J. (Oral)

Learned counsel for the petitioner submits that he wants to withdraw this petition with liberty to avail alternative remedy in accordance with law. He further submits that the notice under Section 13 (2) of the SARFAESI Act had been issued for a sum of Rs.15,16,103.48/- and the petitioner would prefer a Securitization application before the DRT-II, Chandigarh by tomorrow. However, as DRT-II, Chandigarh is not functioning at present, he may be granted protection for some time as respondent No.2 is going to take possession of the secured asset today itself.

2. Heard.

3. It is settled law that the petitioner cannot be left remediless especially when the same has been provided by a Statute. We also draw our support from the order of the Supreme Court dated 16.12.2021 in the case of **‘State Bar Council of Madhya Pradesh Vs. Union of India’** Special Leave Petition (C) No.10911/2021.Relevant extract is reproduced



hereinbelow:-

“13. With a view to resolve the problem being faced by the parties, for the time being and purely as a stopgap arrangement, we request the concerned High Court(s) to entertain the matters falling within the jurisdiction of DRTs and DRATs under Article 226 of the Constitution of India, till further orders.

14. We make it clear that once the Tribunal(s) is/are constituted, the matters can be relegated to the Tribunals by the High Court(s)”

4. As DRT-II is stated to be non-functional, it would be in the interest of justice, if the petitioner is protected for some time till the DRT-II resumes its functioning.

5. At this juncture, Mr. Satya Pal Jain, Additional Solicitor General of India submits that the proposal for extending the additional charge of DRT-II to DRT-I has been sent to the Appointments Committee of the Cabinet (ACC).

6. The petition is dismissed as withdrawn with aforesaid liberty. However, respondent No.2 is directed not to take coercive measures against the petitioner for a period of 15 days after the DRT-II resumes its functioning.

7. The petitioner would prefer the SA within three days. In the event of the petitioner not preferring the SA within three days, the interim protection would stand vacated.

(ANUPINDER SINGH GREWAL)
JUDGE

18.02.2025

sandeep

(DEEPAK MANCHANDA)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No