

2025:PH-IC:027820-DB



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

**CWP-4638-2025 (O&M)
Date of decision: 24.02.2025**

Kirpal Singh

.....Petitioner

Versus

Tehsildar-cum-Executive Magistrate, Kharar and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Mr. Manjot Singh Gujral, Advocate,
for the petitioner.

SUDHIR SINGH (ORAL)

CM-2883-2025

The instant application has been filed with a prayer to amend the memo of parties.

Learned counsel for the petitioner states that in this case, Indian Overseas Bank, Branch at SCO No.23, Madhya Marg, Sector-7, Chandigarh was required to be impleaded as respondent No.2. However, due to inadvertence, IndusInd Bank has been impleaded as respondent No.2. Accordingly, a prayer to amend the memo of parties has been made on behalf of the petitioner.

For the reasons mentioned in the application, same is allowed and in the memo of parties, respondent No.2 be read as under:-

“Indian Overseas Bank, Branch at SCO No.23, Madhya Marg, Sector-7, Chandigarh”

Registry to carry out necessary corrections in the Memo of Parties.

CWP-4638-2025 (O&M)

By way of the present writ petition, the petitioner has sought issuance of an appropriate writ in the nature of Certiorari for quashing the notice dated 08.01.2025 (Annexure P-1) issued by respondent No.1 under Section 14 (1-A) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short ‘the SARFAESI Act) for vacating and taking possession of Property i.e. Flat/H.No. 132, Ground & First Floor, Modern Valley, Khanpur, Tehsil Mohali, District S.A.S. Nagar, Mohali (as stated in the prayer clause of the petition). Further prayer has been made for directing respondent Nos. 1 and 2 not to take any further action in respect of the said notice.

2. Notice of motion.

3. Served with the advance copy of the petition, Mr. Kuljit Singh, Addl. A.G., Punjab, accepts notice on behalf of respondent Nos. 1, 4 and 5; Ms. Jasleen Kaur, Advocate, accepts notice on behalf of respondent No.2-Indian Overseas Bank and Mr. Vaibhav Singh Tara, Advocate, appears on

behalf of respondent No. 3-HDFC Bank and files his Memorandum of Appearance, which is taken on record.

4. Learned counsel for respondent No.3-HDFC Bank submits that in this case, several notices have been issued to the petitioner for the last one year, but no response has been made by him so far. He further submits that in case, the petitioner has any grievance *qua* the impugned notice, he may avail remedy available to him by filing an appropriate application under Section 17 of the SARFAESI Act before the Debts Recovery Tribunal (for short 'DRT') concerned.

5. Learned counsel for the petitioner is amenable to the aforesaid, and seeks liberty to file an application, as suggested above.

6. In view of the above, this petition is disposed of with liberty to the petitioner to file an appropriate application under Section 17 of the SARFAESI Act before the DRT concerned for redressal of his grievance.

7. Pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(SUKHVINDER KAUR)
JUDGE

24.02.2025

Ajay Prasher

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