



CWP-21256-2024

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

CWP-21256-2024

Date of decision : 19.11.2025

Meera Devi and another

.....Petitioners

Versus

Roha Housing Finance Pvt. Ltd. and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY

Present: Mr. Raman Kumar, Advocate, for
Mr. Yashdev Kaushik, Advocate, for the petitioners.

Mr. Naveen S. Bhardwaj, Addl. Advocate General, Haryana.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The petitioners have approached this Court challenging order dated 16.08.2024 (Annexure P-2) issued u/s 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, 'SARFAESI Act'), on various grounds.

2. The Apex Court has consistently held that in SARFAESI proceedings, High Courts should refrain from interfering under Article 226 of the Constitution. The SARFAESI Act is a complete code which not only provides for a detailed recovery mechanism but also remedies before the Debts Recovery Tribunal (DRT) and thereafter, Debts Recovery Appellate Tribunal (DRAT).

3. In the petition, it has been averred by the petitioners that they have already approached Debts Recovery Tribunal – II, Chandigarh, by filing SA No. 391/2024 (Annexure P-1) challenging possession notice dated 10.06.2024 issued by Naib Tehsildar, Faridabad.



4. In view of above and the ratio laid down by Apex Court in **United Bank of India vs. Satyawati Tondon, (2010) AIR SC 3413 (Paras 17, 27); Phoenix ARC Private Limited vs. Vishwa Bharati Vidya Mandir and others, (2022) 5 SCC 345 (Paras 10, 21); PHR Invent Educational Society vs. UCO Bank and others, 2024 (6) SCC 579 (Paras 22 to 41)**, this Court refrains from exercising jurisdiction under Article 226 of Constitution of India. Further, the principle of Rule of Alternate Remedy has been reaffirmed and bolstered recently by Apex Court in **Leelavathi N. and others vs. State of Karnataka and others, 2025 SCConline SC 2253 (Paras 34-37)**.

5. The petitioners are at liberty to pursue their aforesaid SA No. 391/2024. Interim relief, granted by this Court vide order dated 30.08.2024, shall continue till DRT takes decision on the question of interim relief. It is made clear that this order shall not prejudice the mind of Tribunal while deciding the question of interim relief, if admissible to the petitioners. We further make it clear that the Tribunal shall decide the request for interim relief strictly on merits of the matter, without being influenced by the fact of petitioners having approached this Court or this Court having passed the present order.

6. Accordingly, the petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

November 19, 2025
narotam

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