



CWP-35268-2025

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

CWP-35268-2025

Date of decision : 08.12.2025

Deepak Sood @ Deepak Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. J.K. Khetarpal, Advocate,
for the petitioner.

Mr. Vipin Pal Yadav, Addl. Advocate General, Punjab.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The petitioner – borrower has approached this Court challenging order dated 23.01.2024 (Annexure P-3) issued by Additional District Magistrate, Ludhiana (respondent No.2) u/s 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, 'SARFAESI Act'), and consequential notice dated 03.10.2025 (Annexure P-4) issued by Tehsildar-cum-Executive Magistrate, Ludhiana (East) (respondent No.3), directing the petitioner to hand over physical possession of the secured asset to respondent No.4 Bank.

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. From the averments made in the petition, it does not appear that the petitioner has availed the statutory alternative remedy of approaching the DRT and/or DRAT.

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 petitioner is relegated to avail the appropriate statutory remedy under SARFAESI Act before DRT and thereafter before DRAT. In case the petitioner prefers an application u/s 17 of SARFAESI Act within a period of 30 days from today along with copy of this order, the same shall be considered and decided on its own merits without being dismissed on limitation alone.

6. It is made clear that if petitioner approaches the Tribunal within the prescribed stipulated time, then this order shall not prejudice the mind of Tribunal while deciding the question of interim relief, if admissible to the petitioner. 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 petitioner having approached this Court or this Court having passed the present order.

7. Accordingly, the petition stands disposed of with aforesaid liberty without commenting on merits, without cost.

(SHEEL NAGU)
CHIEF JUSTICE

December 08, 2025
narotam

(SANJIV BERRY)
JUDGE

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