SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPMS/3163/2025 **Hon'ble Manoj Kumar Tiwari, J** 1. Ms. Priyanka Agrawal, learned counsel for the petitioner. 2. Mr. Suyash Pant, learned Standing Counsel for the State of Uttarakhand. 3. Mr. Anil Kumar Joshi, learned counsel for the respondent-Bank. 4. Petitioner is a guarantor. He has sought the following reliefs in this writ petition:- (i) Issue a writ, order or direction in the nature of certiorari quashing the E-Auction Sale Notice dated 17.10.2025 & 18.10.2025 published by the respondent bank in English and Hindi Newspaper respectively for auctioning the property bearing Khata No. 57, Khasra No. 173 Min total admeasuring 0.8919 hectares situated at Village Baksaura Jaspur-Kashipur Road, District Udham Singh Nagar (hereinafter referred to as Property in Dispute) belonging to the petitioner (who is a guarantor), whereby the date of E-Auction is fixed for 21.11.2025. (Annexure No. 1) (ii) Issue a writ, order or direction in the nature of certiorari quashing order dated 22.01.2020 passed by the respondent no. 2 under section 14 of the SARFAESI Act (Annexure No. 7). (iii) Issue a writ, order or direction in the nature of Mandamus directing the respondent bank not to sell the property in dispute belonging to the petitioner in pursuant to the e-auction notice dated 17.10.2025 and 18.10.2025. 5. Learned counsel for the Bank submits that securitization application has been filed by principal borrower before Debts Recovery Tribunal, in which petitioner is also added as applicant no. 4. Thus, he submits that petitioner

cannot now be permitted to file separate petition challenging the possession notice and the subsequent steps taken by the Bank Authorities.

6. This Court finds substance in the said submission made by learned counsel for the Bank. Since securitization application was filed by principal borrower in which petitioner is also a party, therefore, petitioner cannot be permitted to file separate writ petition, challenging the possession notice.

7. The writ petition is, accordingly, disposed of with liberty to petitioner to pursue his remedy before Debts Recovery Tribunal. However, this order will not preclude petitioner from moving application before Debts Recovery Tribunal for appropriate relief.

(Manoj Kumar Tiwari, J)
17.11.2025

Aswal

NITI RAJ SINGH
ASWAL