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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 15203/2024, CM APPL. 63794/2024 & CM APPL. 65888/2024

GOPAL SINGH HANOT

.....Petitioner

Through: Mr. R.S. Rathi, Ms. Kusum and Ms. Monika, Advs.

versus

UCO BANK THROUGH ITS MANAGER
& ORS.

.....Respondents

Through: Mr. Jai Mohan and Mr. Aayush Gupta, Advs. for R-1/Bank

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

08.04.2025

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1. The present petition has been filed seeking following relief:

“a. Issue a writ of mandamus to direct the Respondent No.1/bank to handover the keys to the petitioner for restoring the possession of the unmortgaged and unauthorized property measuring area 50 sq. yards i.e. 450 sq. ft. bearing H.NO.21/2, First Floor, Pant Nagar, Jangpura, New Delhi – 110014 shown in red colour of the site plan (Annexure-6) till disposal of the matter pending before the DRT.

b. Direct the Ld. RO to exempt the petitioner from paying the fees of the Local Commissioner who was appointed by the Ld. RO on 22.10.2024 due to his indigency and illness.

c. Allow compensation in favour of the petitioner for mental agony and harassment in the interest of justice.



d. Allow cost of the petition in favour of the petitioner and against the respondent no.1/bank.”

2. The learned counsel appearing on behalf of the petitioner submits that the property which was occupied by the petitioner is not part of the mortgaged property.
3. On the other hand, the learned counsel appearing on behalf of the respondent no.1/Bank submits that the property was mortgaged with the respondent no.1/Bank and the property which was occupied by the petitioner is also part of the mortgaged property.
4. Since the controversy revolves around the mortgaged property and the action taken under the SARFAESI Act, 2002, the present writ petition is not maintainable and the remedy available to the present petitioner is before the Recovery Officer of the learned DRT, Delhi.
5. In view of the above, the Court is not inclined to entertain the present writ petition.
6. The petition alongwith pending applications is dismissed.

VIKAS MAHAJAN, J

APRIL 8, 2025
N.S. ASWAL