**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA**

CWP No. 9421/2025
Decided on: 10.04.2026

Neeraj Kumar …Petitioner

Versus

Sub Divisional Magistrate & Ors. ….Respondents

……

Coram
Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?[1]

For the petitioner:	**Mr. Dhairya Sushant, Advocate**
For the respondents:	**Mr. L.N. Sharma, Additional Advocate General, for respondents No.1 to 3.**
	Mr. Arvind Sharma, Advocate for respondents No.4 to 6.
	Mr. Devender Sharma, Advocate for respondent No.7 & 9.

Jyotsna Rewal Dua, J.

When this matter was taken up on 09.04.2026, learned counsel for the respondents apprised the Court that the petitioner had already availed the statutory remedy available to him under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) before

1 *Whether reporters of the local papers may be allowed to see the judgment? yes*

the Debts Recovery Tribunal. An order dated 30.12.2023 passed by the Debts Recovery Tribunal-I, Chandigarh, in ***Neeraj Kumar Vs. Punjab National Bank & Ors.***[2] was placed on record. Noticing the issue involved in the said order and the adjudication thereof, learned vice counsel for the petitioner was directed to obtain instructions for satisfying the maintainability of the writ petition.

Today, learned vice counsel for the petitioner, on the basis of instructions imparted to him by the original counsel, has fairly submitted at the very outset that the writ petition is not maintainable, in view of the petitioner having already availed the statutory remedy available to him, which has also been adjudicated upon by the competent authority.

In view of the above submissions, learned vice counsel for the petitioner sought permission to withdraw the present petition. Accordingly, the writ petition is dismissed as withdrawn, being not maintainable. Pending miscellaneous applications, if any, also stand disposed of.

Jyotsna Rewal Dua
Judge

10th April, 2026(rohit)

[2] SA NO. 25/2021 decided on 31.12.2023