IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 6038 of 2026

Decided on: 28.04.2026

M/s Murari Enterprises. ....Petitioner.

Versus

Reserve Bank of India and Ors. ...Respondents.

Coram

The Hon'ble Mr. Justice Gurmeet Singh Sandhawalia, Chief Justice.

The Hon'ble Mr. Justice Bipin C. Negi, Judge.

Whether approved for reporting?[1]

For the petitioner : Ms. Madhurika Sekhon Verma, Advocate.

G.S. Sandhawalia, Chief Justice *(Oral)*

The prayers made in the present writ petition are as under:-

> *"A. That the proceedings pending before the learned Chief Judicial Magistrate, Una, District Una, H.P. in complaint bearing Regd. No. 724 of 2022 as well as the proceedings of OA No. 653 of 2024 pending before the learned Debt Recovery Tribunal, Chandigarh may kindly be*

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

(2026:HHC:14194)

quashed and set aside by issuing a writ of certiorari.

B. That the respondent-Bank may kindly be directed to settle the case of the petitioner on the basis of mortgaged land by assessing the market value of the same alongwith the superstructure raised over it by issuing a writ of mandamus."

2. A perusal of the writ petition would go on to show that even notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act), dated 06.05.2022 (Annexure P-1) was served upon the petitioner, whereby an outstanding amount of Rs. 64,91,230/- was demanded and the account had been declared a Non-Performing Asset (NPA) on 30.04.2022. The complaint under Section 138 of the Negotiable Instruments Act, arises out of the dishonour of a cheque dated 26.10.2022 for an amount of Rs. 26,00,000/-, which had been issued by the petitioner. Apparently, the Securitization proceedings have been initiated co terminus. The respondent-Bank has also initiated proceedings for recovery of Rs. 35,90,975.75/-, which are pending before the Tribunal.

(2026:HHC:14194)

3. We are of the considered opinion that the present writ petition in the form of a writ of certiorari is not maintainable. It is open to the petitioner to defend the said proceedings before the Court's concerned and apparently, the writ petition is misconceived. Remedy under Section 17 of the 2002 Act is liable to be availed before the Tribunal if the challenge is to the proceeding and the action taken by the Bank.

4. Resultantly, there is no merit in the present writ petition and the same is dismissed in limini.

5. Pending miscellaneous application(s) if any, shall also stand deposed of.

(G.S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

28th April, 2026
(sushma)