



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

CWP-19097-2026

RAJESH KUMAR

PETITIONER

VERSUS

STATE OF HARYANA AND ORS.

....RESPONDENTS

**CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL
HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present: Mr. Rajiv Kumar Saini, Advocate for the petitioner.

Mr. Sourabh Goel, Addl. A.G. Haryana.

SANDEEP MOUDGIL. J (ORAL)

The instant writ petition under Articles 226/227 of the Constitution of India has been filed seeking challenge to the order dated 04.06.2026 (Annexure P-9) whereby NDN/1364/2026 has been dismissed on the ground of limitation. The petitioner is aggrieved by the proceedings initiated against him under the SARFAESI Act, pursuant to which a notice dated 29.10.2024 under Section 13(2) of the Act was issued by respondent No. 3 for taking possession of the property in question. Thereafter, a further notice was published in two newspapers. Subsequently, the Debts Recovery Tribunal, Delhi, while exercising the additional charge of the Debts Recovery Tribunal-II, Chandigarh, held that the remedy availed of by the petitioner was beyond the statutory period prescribed under Section 17 of the SARFAESI Act.



Having heard learned counsel for the petitioner and upon consideration of the submissions advanced, particularly the contention that the petitioner claims ownership rights over the property in question by virtue of a registered sale deed dated 30.01.2018 (Annexure P-1), as well as the revenue record in the form of Jamabandi (Annexure P-2), this Court finds that the matter requires examination on merits. The petitioner has specifically pleaded that he has neither executed any mortgage deed, memorandum of deposit of title deeds, consent letter, nor any other document creating a security interest in favour of respondent No. 3.

Having regard to the aforesaid assertions and the pleadings on record, and considering the nature of the dispute raised by the petitioner, we deem it appropriate that the Debts Recovery Tribunal-II, Chandigarh adjudicates the matter on merits. Consequently, the order dated 04.06.2026 (Annexure P-9) is hereby quashed and set aside. It is further directed that any proceedings initiated in pursuance of the aforesaid order shall remain stayed during the pendency of the proceedings before the Debts Recovery Tribunal-II, Chandigarh.

Petition in the above circumstances stands disposed of.

(SANDEEP MOUDGIL)
JUDGE

(RUPINDERJIT CHAHAL)
JUDGE

10.06.2026

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No