

2025:PHHC:096203-DB



CWP-17078 of 2025

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

**CWP-17078 of 2025 (O&M)
DATE OF DECISION: 30.07.2025**

Inderjeet Singh**.....Petitioner**

VERSUS

STATE OF PUNJAB AND OTHERS**.....Respondents**

**CORAM : HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**

Present:- Mr. Bhupinder Singh Kundra, Advocate for the petitioner.

Mr. Salil Sabhlok, Sr. Deputy A.G., Punjab.

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SHEEL NAGU, CHIEF JUSTICE (Oral)

1. This petition essentially assails notice issued under Sections 13(2) **(Annexure P-1)** and 13(4) **(Annexure P-2)** of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short SARFAESI Act) by the respondent-bank. The petitioner further challenges the possession notice dated 05.05.2025 issued by Tehsildar pursuant to the proceedings **(Annexure P-3)**.

2. Learned counsel for the petitioner submits that respondents no. 11 and 12 had borrowed loan from the respondent-bank by allegedly forging the signatures of the petitioner and for securing the said loan, the property belonging to the petitioner as well as respondent no. 11 was mortgaged.

3. To undertake the process of adjudication of the issues involved, this Court will have to deal with disputed questions of facts, which ought not to be done while exercising the power of judicial review.

4. As regards the prayer for registration of FIR made by the petitioner in this case, the same has already been dealt with in CRM-740 of 2024 titled as Inderjeet Singh Vs. State of Punjab, which is pending adjudication before Additional Chief Judicial Magistrate, Fatehgarh Sahib and is now fixed for 14.08.2025.

5. This Court, therefore, declines interference on merits in view of the decision of the Apex Court in ***Phoenix Arc Private Limited Vs. Vishwa Bharati Vidya Mandir and others, (2022) 5 SCC 345; G. Vikram Kumar Vs. State Bank of Hyderabad and others, (2023) 14 SCC 159***, and relegates the petitioner to avail the statutory remedy of approaching the Debt Recovery Tribunal under Section 17 of the SARFAESI Act in accordance with law, which, if availed within a period of 15 working days, the same shall be entertained by the DRT and decided on merits without being dismissed on limitation alone.

6. With the aforesaid liberty, the petition is disposed of.

7. All pending Civil Miscellaneous application(s) stand disposed of accordingly.

**(SHEEL NAGU)
CHIEF JUSTICE**

**(SANJIV BERRY)
JUDGE**

30.07.2025

Kamal Gandhi

Whether speaking/reasoned Yes/No
Whether reportable Yes/No