



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

254

CWP-8766-2025

Date of Decision:- 20.08.2025

KRISHAN KUMAR AND ANOTHER
Versus

...Petitioner(s)

DISTRICT MAGISTRATE AND OTHERS

...Respondent(s)

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

Present: Mr. Lajpat Rai Sharma, Advocate for the petitioners.

Mr. Deepak Balyan, Additional A.G. Haryana.

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SHEEL NAGU, C.J. (Oral)

1. The petitioners, who are borrowers, have approached this Court challenging notices dated 26.07.2024 (Annexure P-2) and 03.10.2024/11.03.2025 (Annexures P-3/P-4) issued under Section 13(2) and 13(4) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short SARFAESI Act), respectively on various grounds.

2. The Apex Court has consistently held that High Courts should refrain from interfering under Article 226 of the Constitution in SARFAESI proceedings. The SARFAESI Act, 2002 is a complete code which not only provides for a detailed recovery mechanism but also remedies before the Debts Recovery Tribunal (DRT) and thereafter, Debts Recovery Appellate Tribunal (DRAT).

3. From the averments in the petition, it does not appear that the petitioners have availed the statutory alternative remedy of approaching the DRT and thereafter, before DRAT.



4. In view of above and the ratio laid down by Apex Court in **United Bank of India vs. Satyawati Tondon, (2010) AIR SC 3413 (Para 17, 27) ; Phoenix ARC Private Limited vs. Vishwa Bharati Vidya Mandir and others, (2022) 5 SCC 345 (Paras 10, 21) ; PHR Invent Educational Society versus UCO Bank and others, 2024 (6)SCC 579 (Paras 22 to 41)**, this Court refrains from exercise of jurisdiction under Article 226 of Constitution.

5. The petitioners are relegated to avail the appropriate statutory remedy under the SARFAESI Act before the DRT and thereafter before DRAT. In case the petitioners prefer an application under Section 17 of SARFAESI Act within a period of 30 days from today along with copy of this order, the same shall be considered and decided on its own merits, without being dismissed on limitation alone.

6. Accordingly, the writ petition stands disposed of with aforesaid liberty without commenting on merits, without cost.

**(SHEEL NAGU)
CHIEF JUSTICE**

**(SANJIV BERRY)
JUDGE**

20.08.2025

S.Sharma

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