



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

CWP No.7851 of 2025

Date of Decision: 20.03.2025

Ajay Sharma and another

...Petitioners

Versus

Union Bank of India and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Ram Bilas Gupta, Advocate
for the petitioners.

Mr. Gaurav Goel, Advocate
for respondent No.1.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The present petition has been preferred seeking quashing of the order dated 31.01.2025 passed by respondent No.2-District Magistrate, Faridabad, whereby Tehsildar Badhkal, District Faridabad was appointed as Receiver to take over the physical possession of secured assets/mortgage property of the petitioners and to hand over the same to respondent No.1 under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and also seeking a writ in the nature of mandamus directing respondent No.1-Bank to regularize the Term Loan Account of the petitioners after taking overdue amount of the loan account from them in installments and directing respondent No.2 not to take any further action against the petitioners under



the provisions of SARFAESI Act.

2. The relief herein is required to be taken up before the concerned forum in terms of Section 17 of the SARFAESI Act, and also in view of the law laid down by the Supreme Court in *M/S South Indian Bank Ltd. and others vs. Naveen Mathew Philip and another*, [2023] 4 S.C.R. 18, and *CELIR LLP vs. Bafna Motors Private Ltd. and others*, 2023 INSC 838 as well as recent three Judges Bench judgment of Supreme Court in *PHR Invent Educational Society vs. UCO Bank and others*, 2024 (4) SCR 541.

3. This Court in *CWP No.14655 of 2024 titled as 'M/S K. Soni Builders vs. Indian Overseas Bank and Another'*, decided on 16.10.2024, wherein one of us was a member, held as under:

“6. In view thereto, no relief can be granted to the petitioner. Even otherwise, keeping in view the law laid down by the Supreme Court in M/S South Indian Bank Ltd. and others vs. Naveen Mathew Philip and another, [2023] 4 S.C.R. 18, and CELIR LLP vs. Bafna Motors Private Ltd. and others, Civil Appeal Nos.5542-5543 of 2023 as well as recent three Judges Bench judgment of Supreme Court in PHR Invent Educational Society vs. UCO Bank and others, 2024 (4) SCR 541, the writ petition would not be maintainable with regard to orders passed by the DRT, and the forum has been wrongly chosen by the petitioner.”

4. In view thereto, the present writ petition is dismissed on account of efficacious alternate remedy available as observed above, with



the liberty to the petitioners to approach appropriate forum for appropriate relief.

5. All pending applications also stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

20.03.2025
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No