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

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Date of decision: 04.08.2025

TAJINDER SINGH

..PETITIONER

Versus

BANK OF BARODA

..RESPONDENT

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present: Mr. Sahil Goel, Advocate
(through video conferencing)
for the petitioner.

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SHEEL NAGU, C.J. (Oral)

1. The petitioner, who is a borrower, assails the notice(s) issued under Section 13(2) and 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (*for short SARFAESI Act*) and the warrants of possession issued by the Tehsildar, Rupnagar wherein the date for possession has been fixed for 07.08.2025 at 11:30 AM.

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



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Debts Recovery Tribunal (DRT) and thereafter, Debts Recovery Appellate Tribunal (DRAT).

3. From the averments in the petition, it does not appear that the petitioner has availed the statutory alternative remedy of approaching the DRT and/or DRAT.

4. In view of the above and the view of 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 declines exercise of jurisdiction under Article 226 of Constitution.

The petitioner is relegated to avail the appropriate statutory remedy under the SARFAESI Act before the DRT and thereafter before DRAT.

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

**(SHEEL NAGU)
CHIEF JUSTICE**

**(YASHVIR SINGH RATHOR)
JUDGE**

AUGUST 04th, 2025

R. Joshi

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*