



235 CWP-7031-2023

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

**CWP-7031-2023 (O&M)
Date of decision: 18.08.2025**

Sarbjeeet Singh**....Petitioner.**

Versus

**Learned Tehsildar-cum-Executive Magistrate
Ludhiana (East) and another****...Respondents.**

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

Present:- Mr. Mohit Vashishat, Advocate,
for the petitioner.

Mr. Salil Sabhlok, Senior DAG, Punjab.

Ms. Usha Singh, Advocate,
for respondent No. 2 (through VC)

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SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The petitioner, who is legal heir of borrower, has approached this Court challenging notice dated 13.02.2023 (Annexure P-6) issued u/s 14 (1A) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short SARFAESI Act), 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 petitioner had availed the statutory alternative remedy of approaching the DRT and/or 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); State Bank of Travancore and Another vs. Mathew K.C., (2018) 3 SCC 85; 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 petitioner is relegated to avail the appropriate statutory remedy under the SARFAESI Act before the DRT and thereafter before DRAT.

6. Interim order to continue till the DRT takes fresh decision on the question of interim relief, provided the petitioner approaches the DRT within 30 days, failing which this interim order shall lose its efficacy.

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

**(SHEEL NAGU)
CHIEF JUSTICE**

**(SANJIV BERRY)
JUDGE**

18.08.2025

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