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

**CWP-17831-2026
DECIDED ON:08.06.2026**

MANPREET SINGH AND ANOTHER**.....PETITIONERS****VS.****KOTAK MAHINDRA BANK AND ANOTHER****.....RESPONDENTS****CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL****CORAM: HON'BLE MS.JUSTICE NEERJA K. KALSON**

Present: Mr. Amit Puri, Advocate
for the petitioner

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside the sale/notice/e-auction Notice dated 15.04.2026 (Annexure P-1).
2. Mr. Devinder Singh, Advocate, has put in appearance on behalf of respondent No. 1 and filed his vakalatnama, which is taken on record.
3. At the outset, learned counsel for respondent No. 1 has raised a preliminary objection regarding the maintainability of the present petition against a private entity. In support of his contention, he has placed reliance upon the judgment of the Hon'ble Supreme Court in *Phoenix ARC Private Limited v. Vishal Bharti Vidya Mandir and Others*, 2022(5) SCC 345, wherein it was held that a writ petition under Article 226 of the Constitution of India against a private financial institution, challenging proposed action/actions under Section 13(4) of the SARFAESI Act, is not maintainable.



4. Apart from the above, learned counsel has submitted that the petitioner had earlier instituted a civil suit concerning the same property in question, seeking an order of injunction restraining respondent No. 1 from proceeding with the auction process. However, no interim relief was granted in the said proceedings. It is further contended that the petitioner has concealed this material fact from this Court while filing the present petition.

5. Faced with the situation, learned counsel for the petitioner prays for withdrawal of the present petition.

6. Prayer is accepted.

7. Dismissed as withdrawn.

(SANDEEP MOUDGIL)
JUDGE

(NEERJA K. KALSON)
JUDGE

08.06.2026

Meenu

1. Whether speaking/reasoned?

Yes/No

2. Whether reportable?

Yes/No