IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

(107)

CWP-22288-2022 (O&M)
Date of decision:- 13.05.2026

Manjeet Kaur **... Petitioner**

Versus

Union Bank of India **... Respondent**

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL
HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Dhruv Walia, Advocate,
Legal Aid Counsel for the petitioner.

Mr. Gaurav Goel, Advocate,
for the respondent-Bank.
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SUVIR SEHGAL, J. (*ORAL*)

CM-7984-CWP-2026

1. Application is allowed, as prayed for.

2. Reply filed on behalf of respondent-Bank, is taken on record.

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3. This petition has been filed, *inter-alia,* for issuance of a writ of certiorari for quashing possession notice dated 08.08.2022 and auction notice dated 14.09.2022, Annexures P-3 and P-4, respectively, as well as demand notice dated 16.05.2022 issued under the provisions of the SARFAESI Act.

4. Petitioner had taken a housing loan of Rs.5.50 lacs vide sanctioned letter dated 20.02.2016, Annexure P-1, and had mortgaged her

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residential house measuring 105 square yards.

5. Petitioner claims to have deposited the principle amount, but due to outbreak of the pandemic, it has been stated that petitioner could not make the entire repayment. Respondent-Bank initiated proceedings under the SARFAESI Act, which are under challenge in the present petition.

6. Petitioner claims that she had submitted a representation dated 16.09.2022, Annexure P-5, for the settlement of the loan. When the writ petition came up for hearing on 27.09.2022, while issuing notice to the respondent-Bank, this Court directed it to consider petitioner's request for settlement under the OTS, which was rejected by the Bank on 26.09.2022, Annexure P-8. As the rejection was non-speaking, on 09.05.2023, this Court directed the Bank to pass a reasoned order. Xerox copy of the intimation dated 01.02.2024, Annexure R-1, received from the Bank was placed on the record during the course of subsequent hearing by this Court.

7. Petition has been contested by the Bank, *inter-alia,* by taking a stand that writ is not maintainable as petitioner has a remedy for approaching the Debt Recovery Tribunal under the SARFAESI Act. He states that symbolic possession of secured asset has been taken. Upon specific instructions, Mr. Goel has made a statement that the loan account cannot be restructured.

8. During the course of hearing, counsel for the petitioner has pointed out that the Bank has filed a suit for recovery of the overdue loan amount, which is pending.

9. After having heard counsel for the parties, this Court is of the view that the writ petition is not maintainable and it is dismissed as such in

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view of the judgments of the Supreme Court in ***Authorized Officer, State Bank of Travancore and another Vs. Mathew K.C., (2018) 3 SCC 85; ICICI Bank Limited and others Vs. Umakanta Mohapatra and others, (2019) 13 SCC 497*** and ***M/s South Indian Bank Ltd. and others Vs. Naveen Mathew Philip and another, 2023 (2) R.C.R. (Civil) 771***. Liberty is, however, granted to petitioner to assail the SARFAESI proceedings by taking recourse to the alternate statutory remedy available to her under the SARFAESI Act. Liberty is also granted to petitioner to take all the pleas in the civil suit instituted by the Bank.

(SUVIR SEHGAL)
JUDGE

(VIKAS SURI)
JUDGE

13.05.2026
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No