



IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA
ON THE 16th DAY OF MARCH, 2022

BEFORE

HON'BLE MS. JUSTICE SABINA

&

HON'BLE MR. JUSTICE SATYEN VAIDYA

CIVIL WRIT PETITION No.1486 of 2022

Between:-

SMT. ANJU,
WIFE OF SH. SANTOSH KUMAR,
RESIDENT OF SHARMA NIWAS,
NEAR LAXMI NARAYANA
MANDIR, KASUMPTI,
SHIMLA-171009, H.P.

....PETITIONER

(MS. MADHURIKA SEKHON
VERMA, ADVOCATE)

AND

1. THE SHIMLA URBAN
COOPERATIVE BANK LTD.,
BRANCH OFFICE, SHIMLA,
DISTRICT SHIMLA H.P.,
THROUGH ITS MANAGER.
2. DISTRICT MAGISTRATE, SHIMLA,
DISTRICT SHIMLA, H.P.

....RESPONDENTS

(By MR. ASHWANI K. SHARMA,
ADDITIONAL ADVOCATE
GENERAL)

*This Civil Writ Petition coming on for admission this day,
Hon'ble Ms. Justice Sabina, passed the following:*

ORDER

Petitioner has filed this writ petition under Article 226 of the Constitution of India, seeking the following relief(s):-

- “(i) That the impugned order dated 07.02.2022 passed by the Ld. District Magistrate may very kindly be quashed and set aside by issuing a writ of certiorari in the interest of justice.*
- (ii) That the respondents may very kindly be restrained from taking physical possession of the dwelling residential house/mortgaged property of the petitioner.”*

2. We have heard learned counsel for the parties and have gone through the record available on file, carefully.

3. Petitioner has approached this Court without approaching the Debt Recovery Tribunal at the first instance. Hence, no ground for interference is made out.

4. Dismissed.

5. Pending miscellaneous application(s), if any, shall also stand disposed of.

**(Sabina)
Judge**

March 16, 2022
(Yashwant)

**(Satyen Vaidya)
Judge**