

HON'BLE SRI JUSTICE R. SUBHASH REDDY

AND

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

WRIT PETITION No.41785 OF 2015

ORDER: (Per Hon'ble Sri Justice R. Subhash Reddy)

In this Writ Petition, petitioner questions the order, dated

07-11-2015, in Criminal M.P. No.847 of 2015, passed by the learned Chief Metropolitan Magistrate, Cyberabad, on the application filed by respondent No.1 - Andhra Bank, Balaji Nagar Branch, Kukatpally, Ranga Reddy District under Section 14 of the Securitisation and Reconstruction of Financial Interest Act 2002 (for short 'the Act') for taking possession of the house bearing No.2-1/100 in Plot No.100, admeasuring 164 square yards and plinth area of 630 square feet in Survey Nos.72, 73, 74, 83, 84 and 86 situated in FCI WIDIA Colony, Miyapur Village, Serilingampally Mandal, Ranga Reddy District.

Mainly it is submitted that petitioner is real owner of the subject property as the same was purchased with her 'Sthree Dhana' and by taking loan from respondent No.1 in the name of respondent No.2, who is her husband.

It is stated that there are disputes between the petitioner and respondent No.2, as such, respondent No.2 has illegally transferred the subject property in favour of

respondent No.3, who is her sister-in-law.

It is submitted that for the loan secured by respondent No.3, respondent No.2 is guarantor and under the guise of taking steps under the Act, the bank sought to dispossess her from the subject property, where she is living with her children.

In view of the claim of the petitioner, several factual disputes arose for adjudication and there is no reason to entertain this writ petition in view of the alternate efficacious remedy available to her as provided under Section 17 of the Act.

It is also submitted by the petitioner that there is imminent threat of her dispossession from the subject property.

Therefore, the respondents are directed to maintain *status quo* for a period of two (2) weeks. In the meanwhile, it is open to the petitioner to approach the appropriate forum under Section 17 of the Act seeking appropriate orders.

With the directions as above, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending in this writ petition, stand closed.

R. SUBHASH REDDY, J

**A. SHANKAR NARAYANA,
J**

December 22, 2015.

NOTE: C.C. by today. (BO) PV.