

HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

WRIT PETITION No.35651 of 2015

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

This writ petition is filed for a Mandamus to declare the action of the 2nd respondent in issuing possession notice, dated 11.09.2015, under Rule 8 (1) of the Security Interest (Enforcement) Rules, 2002 framed under the SARFAESI Act.

The 3rd respondent borrowed some amounts from the 1st respondent Bank. In view of the default committed by the 3rd respondent, the respondents 1 and 2 have initiated proceedings under the SARFAESI Act. After issuing necessary demand notice, the impugned possession notice is issued under Rule 8 (1) of the Rules, showing an amount of Rs.7,03,94,952.82 ps due as on 30.06.2015 from the 3rd respondent borrower.

In this writ petition, the petitioner claims to be a lessee of the secured assets on the basis of an unregistered lease deed and apprehends that without making him a party, the respondents may proceed and obtain an order under Section 14 of the SARFAESI Act.

As of now, there is no order or application under Section 14 of the SARFAESI Act filed by the 1st respondent Bank. As the petitioner's claim is based on an unregistered lease deed, it is not

open to him to assail the validity of the notice issued under Rule 8 (1) of the Rules. On a mere apprehension of the petitioner that he may not be made a party in the event of filing an application under Section 14 of the Act, this Court cannot interfere with the notice issued under Rule 8 (1) of the Rules framed under the SARFAESI Act.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

04.11.2015

v v