

**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN**  
**And**  
**THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

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**WRIT PETITION No.6421 of 2015**

**ORDER:** (per Hon'ble Sri Justice Ramesh Ranganathan)

The proceedings under challenge in this Writ Petition is the possession notice issued under Rule 8(1) of the Security Interest (Enforcement) Rules, 2002 (for brevity, 'the Rules') dated 24.11.2014.

Sri V.Ganesh Bhujanga Rao, learned counsel for the petitioners, while fairly stating that the petitioners had defaulted in repayment of a few of the instalments, would submit that the petitioners have filed an application requesting the authority to grant them six months' time for repayment of the loan amount; and, despite such a representation, the bank had unilaterally and forcibly taken possession of the subject property on 21.02.2015.

Whether the petitioners should be granted six months' time, to repay the amount or not, are matters for the bank to consider, and not for this Court to regulate, or re-fix the schedule of repayment of the debt, in judicial review proceedings, under Article 226 of the Constitution of India. As it is not even the petitioners' case that the provision of the Securitization and Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002, or the Rules made thereunder, have been violated in taking possession of the subject property, we see no reason to interfere with the action of the respondent-bank in this regard. However, as the petitioners have submitted a representation seeking time for repayment of the entire amount, fairness would require the bank to examine the said request, pass orders thereupon and communicate the same to the petitioners at the earliest.

The Writ Petition is, accordingly, disposed of. Miscellaneous

petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

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**RAMESH RANGANATHAN, J**

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**M.SATYANARAYANA MURTHY, J**

13<sup>th</sup> March, 2015.  
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